

## Appendix E

### Real Estate

#### Princeville, North Carolina Flood Risk Management Integrated Feasibility Report and Environmental Assessment

August 2015

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# THE REAL ESTATE REPORT

## 1. STATEMENT OF PURPOSE

This report is tentative in nature and is to be used for planning purposes only and focuses on the Selected Plan. There may be modifications to the plans that occur during Preconstruction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land cost. The Draft Real Estate Appendix is intended to support the Draft Flood Risk Management Main Report for the feasibility study, and is written to the same level of detail. The author of this report has viewed the project areas. The state of North Carolina is the non-Federal sponsor for the project. Date of this report is June 2015.

### 1.1 STUDY AUTHORITY

The Princeville study is being conducted pursuant to the Military Construction Appropriations Act of 2001 (Public Law 106-246), dated July 13, 2000, which reads as follows:

"For an additional amount for "General Investigations", \$3,500,000, to remain available until expended, of which **\$1,500,000 shall be for a feasibility study and report of a project to provide flood damage reduction for the town of Princeville, North Carolina**, and of which \$2,000,000 shall be for preconstruction engineering and design of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: Provided, That the entire amount designated by Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

### 1.2 PROJECT LOCATION

The Town of Princeville is a small community of approximately 1,665 residents, located in the east central area of Edgecombe County, North Carolina. Edgecombe County is a rural County situated approximately one hour's drive east of Raleigh and two hour's drive inland from North Carolina's beaches. Tarboro, the County Seat, offers a downtown Historic District and the historic Town Common. The city limits of Princeville encompass a 1.39 square-mile area in the alluvial floodplain on the left descending bank of the Tar River, immediately across the river from Tarboro, North Carolina. The location is shown in Figure 1.2-1 below. The study area is located in North Carolina's 1<sup>st</sup> Congressional District. US Highway 64 is the primary east/west access, passing through Rocky Mount, Tarboro and Princeville. The Town of Princeville has the unique historic significance of being the first town chartered by African Americans in the United States. Newly freed slaves originally settled in the area that is now Princeville, shortly after the Civil War, in 1865. In February 1885, the North Carolina General Assembly passed the act to incorporate the town of Princeville, making it the nation's oldest black incorporated town. The Town has suffered repeated and extensive flooding over the years. In 1999, North Carolina received the brunt of Hurricane Floyd's destruction, while just weeks prior to Floyd hitting,

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Hurricane Dennis brought up to 15 inches of rain to southeastern North Carolina. With the additional rainfall from Hurricane Floyd, Princeville was largely destroyed when waters from the Tar River rolled around the dike's end and engulfed the Town. Princeville was covered with over 20 feet of floodwater for ten days.

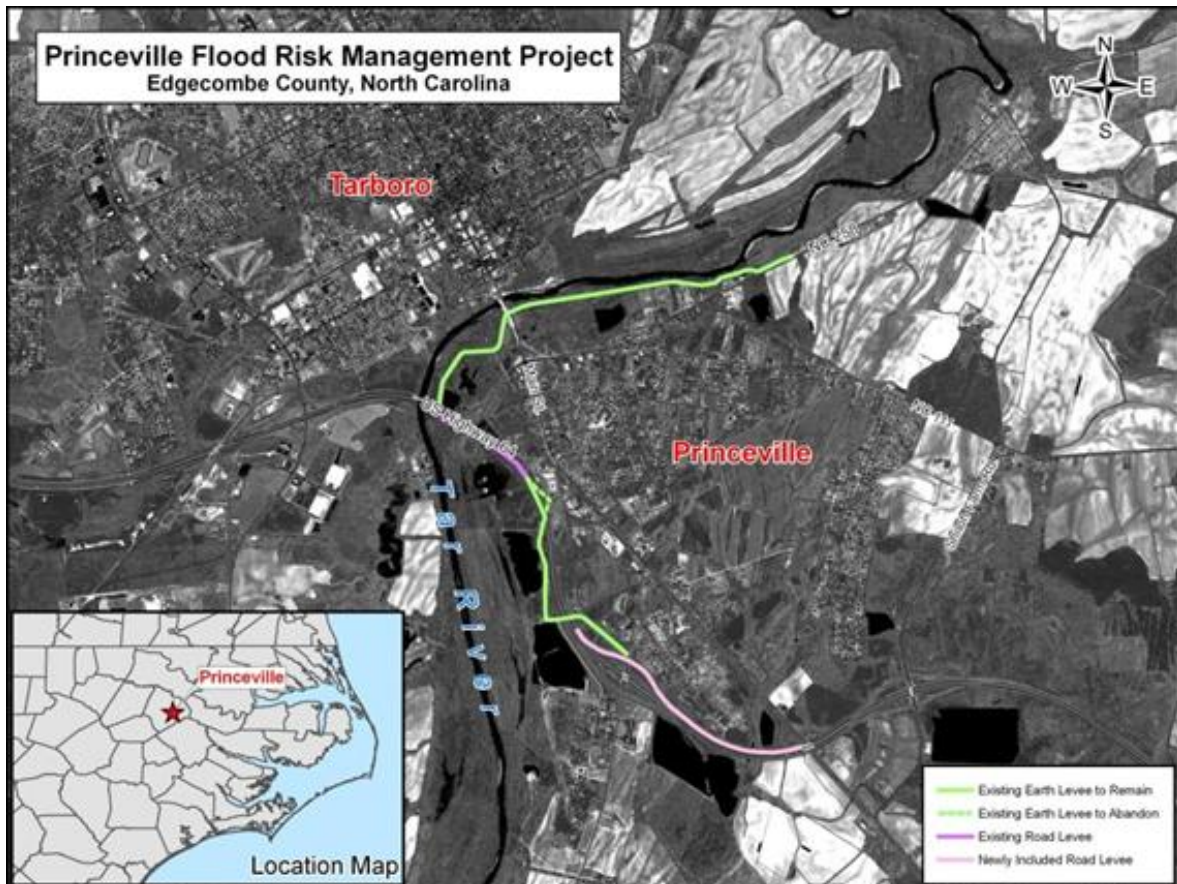
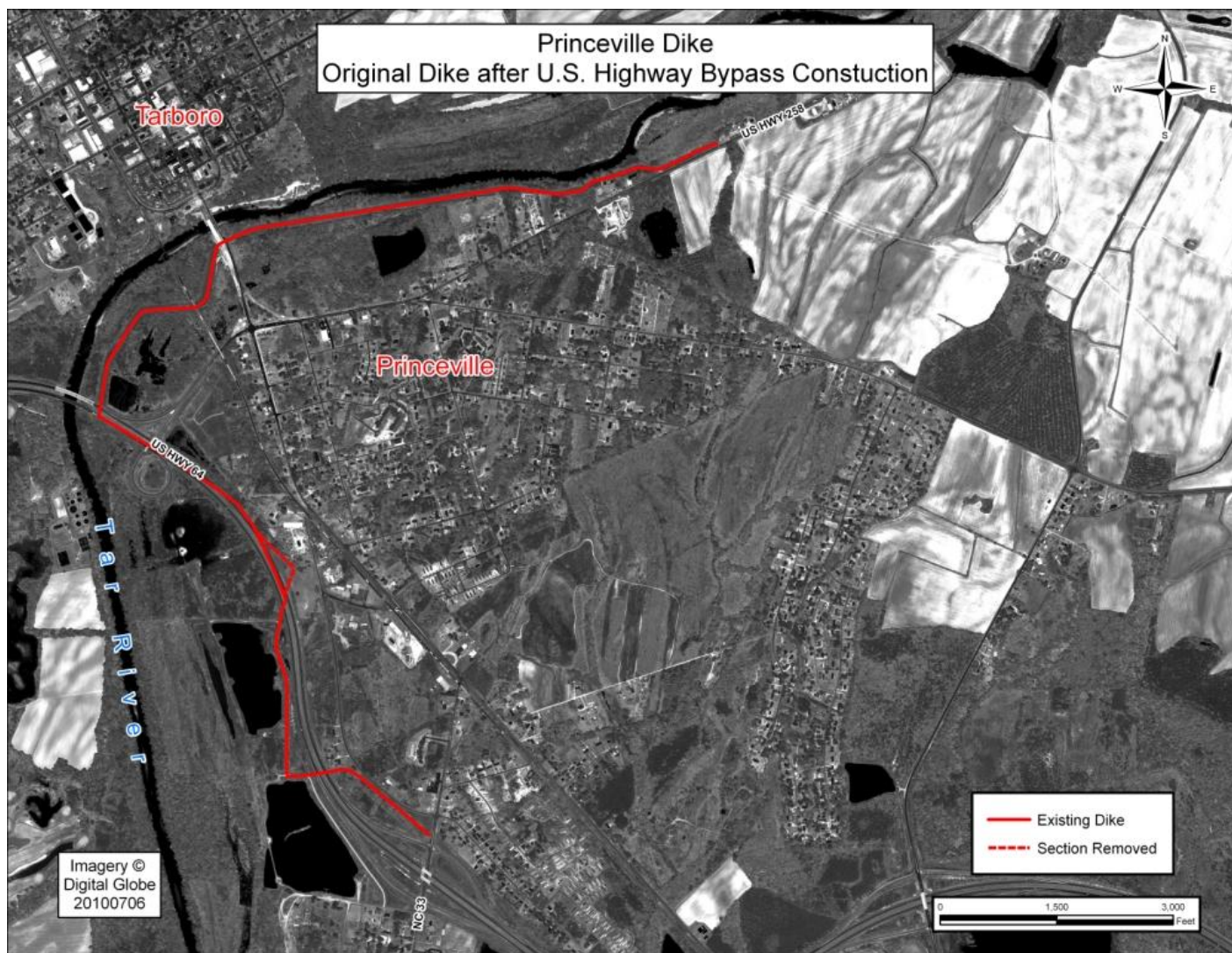


Figure 1.2-1 - Project Vicinity/Location Map

### 1.3 PROJECT DESCRIPTION

Princeville's location in the wide floodplain of the Tar River has left it vulnerable to multiple flooding over the years. The flood of 1919 remained the flood of record for 80 years up to 1999. The flood of 1958 led to the construction of the existing dike in the town. The dike construction was completed in September 1967 and is shown at Figure 1.3-1. The US Highway 64 bypass is used as a portion of the dike. The last flood from Hurricanes Dennis and Floyd in September 1999 became the new flood of record. At present, should major flooding occur, water could rise over the river banks upstream of the existing dike flow overland, around the dike, and into Princeville before water levels would overtop the dike itself. Floodwaters could also cross a low portion of the US Highway 64 berm south of town, before the main dike is overtopped. Cutoff structures such as berms, floodwalls and levees should be built to head off the existing passages where floodwaters could enter Princeville before the main dike is overtopped.

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**Figure 1.3-1 – Original Dike Sections**

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## **1.4 THE RECOMMENDED PLAN**

The Recommended Plan will require the addition of flap gates at un-gated culverts at eight (8) locations, addressing a low spot in the existing embankment height of U.S. Highway 64, addressing the existing U.S. Highway 33 underpass through which flood flows can enter the Town, and construction of levee segments along specific locations along Highway 258, NC-111, and Shiloh Farm Road, to prevent overtopping. It will also include interior drainage features, and non-structural measures to realistically maximize flood risk reduction. An overall view of the plan is shown in Figure 1.4-1. Structural features are described below.

### ***Segment 1***

Segment 1 (Figure 1.4-2) of the Recommended Plan consists of extension of the existing line of protection by means of installation of flap gates at one un-gated triple box culvert and one pipe culvert, and the raising of the U.S. Highway 64/U.S. Highway 33 interchange to a minimum elevation 47 feet NAVD88 in order to prevent flood flows from entering the Town via the underpass. This southern extension of the project will utilize a portion of U.S. Highway 64, and replaces a portion of the original 205 project, in order to connect to high ground.

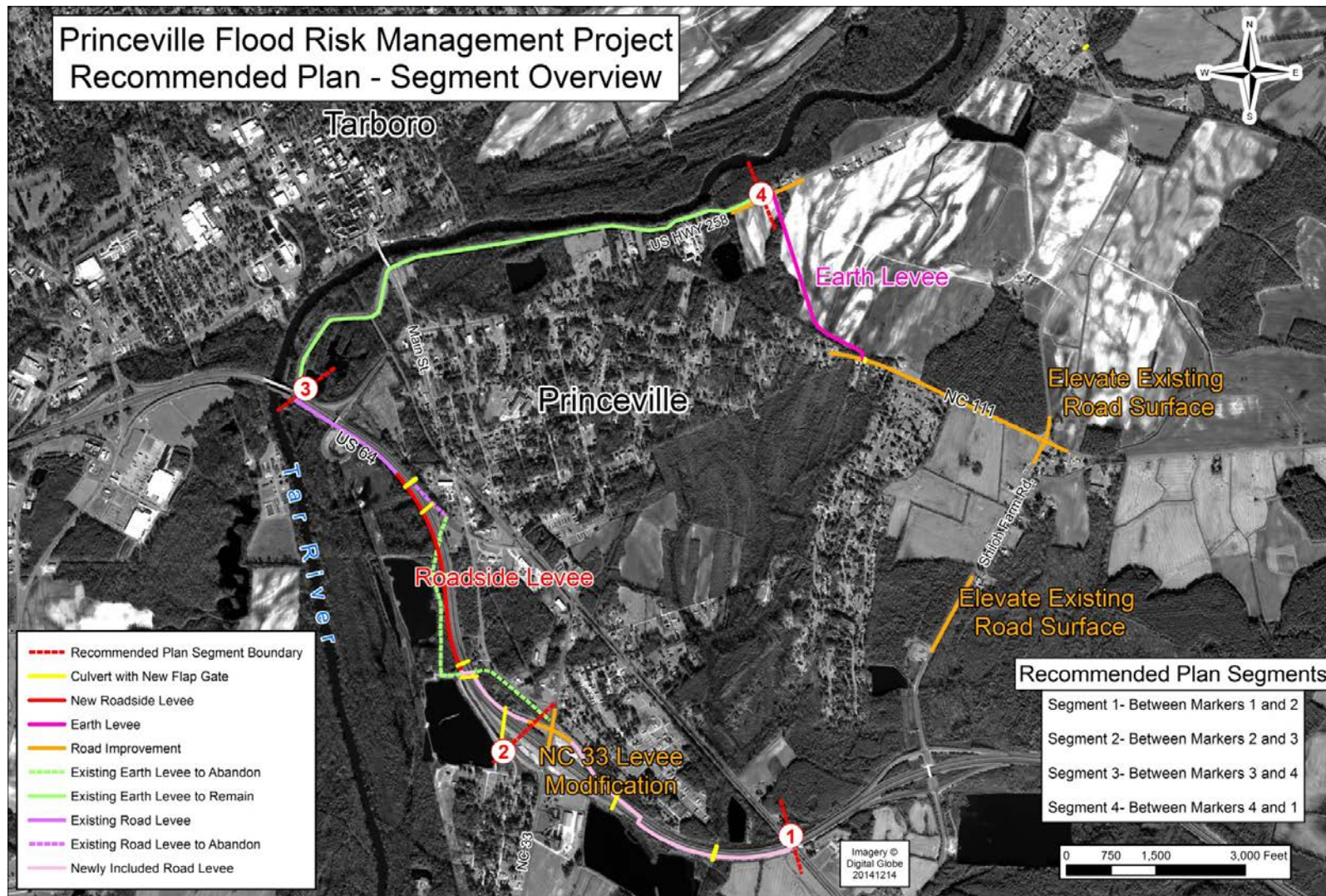
This segment will require construction of a new levee along the interchange ramp alignment resulting in raising of the road surface of the westbound off ramp and on ramp and its intersection with Highway 33. The design of the vertical curves along Hwy 33 is in accordance with the North Carolina Department of Transportation's Highway Design Manual. The high point will be at the intersection of the Hwy 33 on and off ramp interchange in order to provide adequate safe sight distances. It is recommended that the speed limit be reduced from 45 mph to 35 mph along Highway 33 from Main Street past the underpass in order to minimize dangers related to drivers approaching the high point with sufficient stopping distance before the intersection. The NCDOT Division Engineer is willing to support the reduction of speed limit due to residential development in this area.

### ***Segment 2***

Segment 2 (Figure 1.4-3) includes formal abandonment of the existing southern levee both north and south of Highway 64 (previously called "Dike B"), formal adoption of a portion of the Highway 64 embankment as a project feature, and installation of a "shoulder levee" along a low spot in the existing Highway 64 embankment, to prevent overtopping up to the design event water surface elevation. The shoulder levee begins at the end of Segment 1, and runs north to the existing northern levee reach near the westbound bridge abutment of Highway 64 over the Tar River. Six (6) culverts within this realigned levee segment will require installation of flap gates.

The shoulder levee would be 3,450 linear feet long, with a fill volume of 61,500 cubic yards, a portion of which would occupy approximately five (5) acres of wetlands on the river side of the existing levee, which would be fully mitigated by purchase of credits through the State's Division of Mitigation Service.

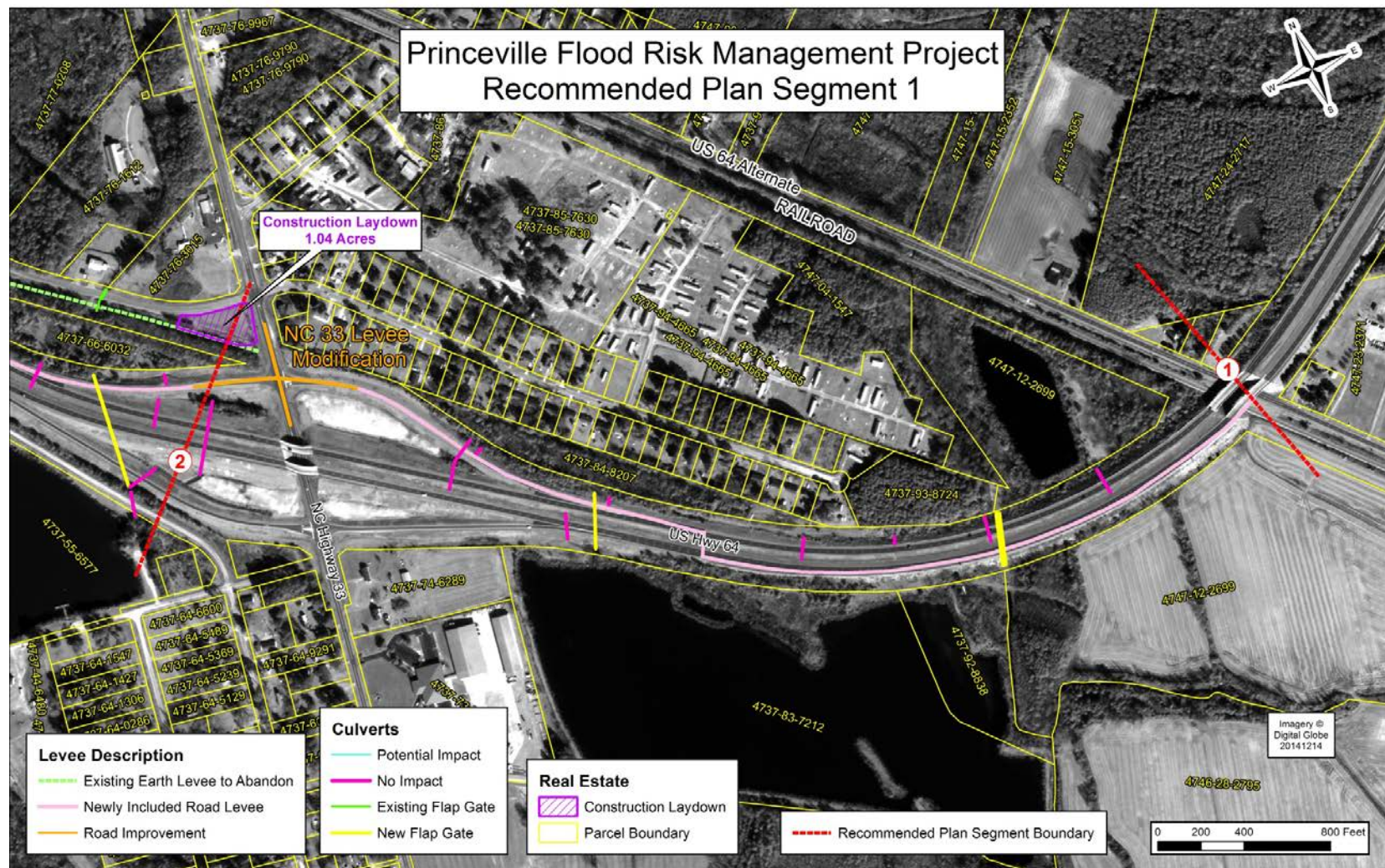




**Figure 1.4-1 – Levee Extension Layout for Selected Plan**

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**Figure 1.4-2 - Segment 1**

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### **Segment 3**

Segment 3 (Figure 1.4-4) includes the existing northern levee from the west bound lane bridge abutment of U.S. Highway 64 over the Tar River approximately 9,700 linear feet east to the terminus at U.S. Highway 258. No modifications are required to the levee.

### **Segment 4**

Segment 4 (Figure 1.4-5) consists of:

- the raising of Highway 258 to connect the northern terminus of the existing Segment 3 levee to a new earthen levee segment;
- the installation of 3,400 linear feet of new levee across existing farmland/pasture;
- the raising of portions of NC Highway 111;
- the raising of the intersection of Highway 111 and Shiloh Farm Road;
- the raising of 1,375 feet of Shiloh Farm Road; and
- the extension of Harris Hill Lane by 800 feet to connect the eastern neighborhood of Town to hurricane evacuation routing and to provide construction access.

Modifications in this segment would also require the raising of 27 driveways including Strickland Drive (subdivision entrance), to meet the new road elevation along NC 111. All such work would be in compliance with current NCDOT specifications for road grade. Raising of roadway surfaces will require upgrades to meet current design standards. This will include widening of paved lanes from ten feet to twelve feet, widening of the shoulder to include four feet of paved shoulder and four feet of grassed shoulder, and installation of a guard rail in accordance with NCDOT design standards.

Interior storage areas would be connected to drainage pipes (owned by the State) through the levee which would include flap gates. Interior drainage would prevent no structure flooding up to the design event water surface elevation. Drainage basins are shown at Figure 1.4-6.

#### **1.4.1 FLOOD WARNING AND EVACUATION PLAN**

The existing Edgecombe County Emergency Plan will be modified so that it will work seamlessly with the state emergency plan and provide a better defined warning system and evacuation plan. The existing Tar River Flood Warning System, developed by a joint effort of the State of North Carolina and the US Geological Survey includes data and warning systems. It will be used to its maximum extent to provide the earliest and most accurate warning for the people of Princeville in order to reduce the risk of loss of life and damage to personal property.

#### **1.4.2 FLOOD RISK MANAGEMENT EDUCATION AND COMMUNICATION PLAN**

A flood risk management education and communication plan will be drafted and used to communicate the risk of living behind a levee and the potential for the levee to fail to the residents of Princeville. The plan will also include an annual program to keep the residents alert to the continued risk.



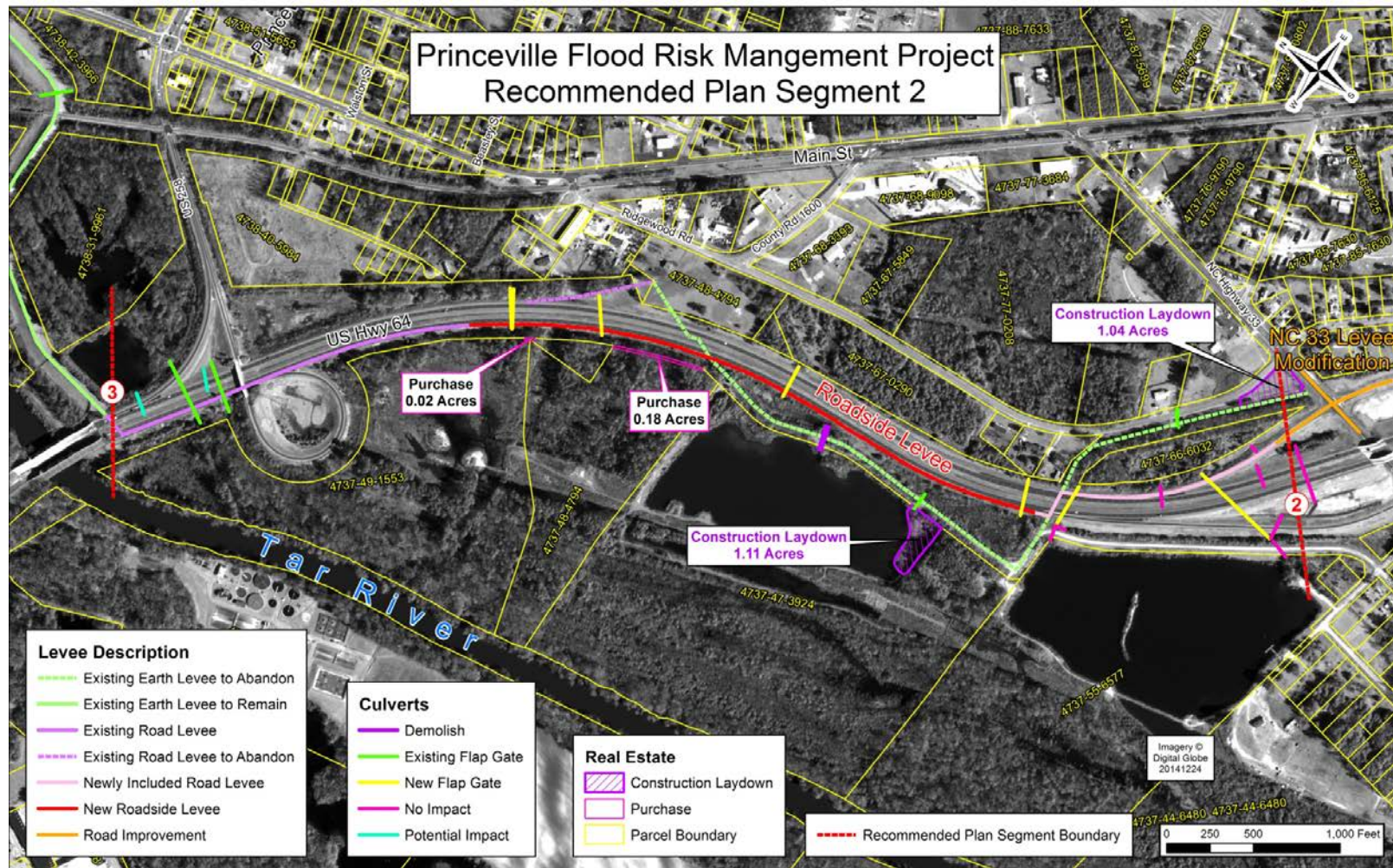
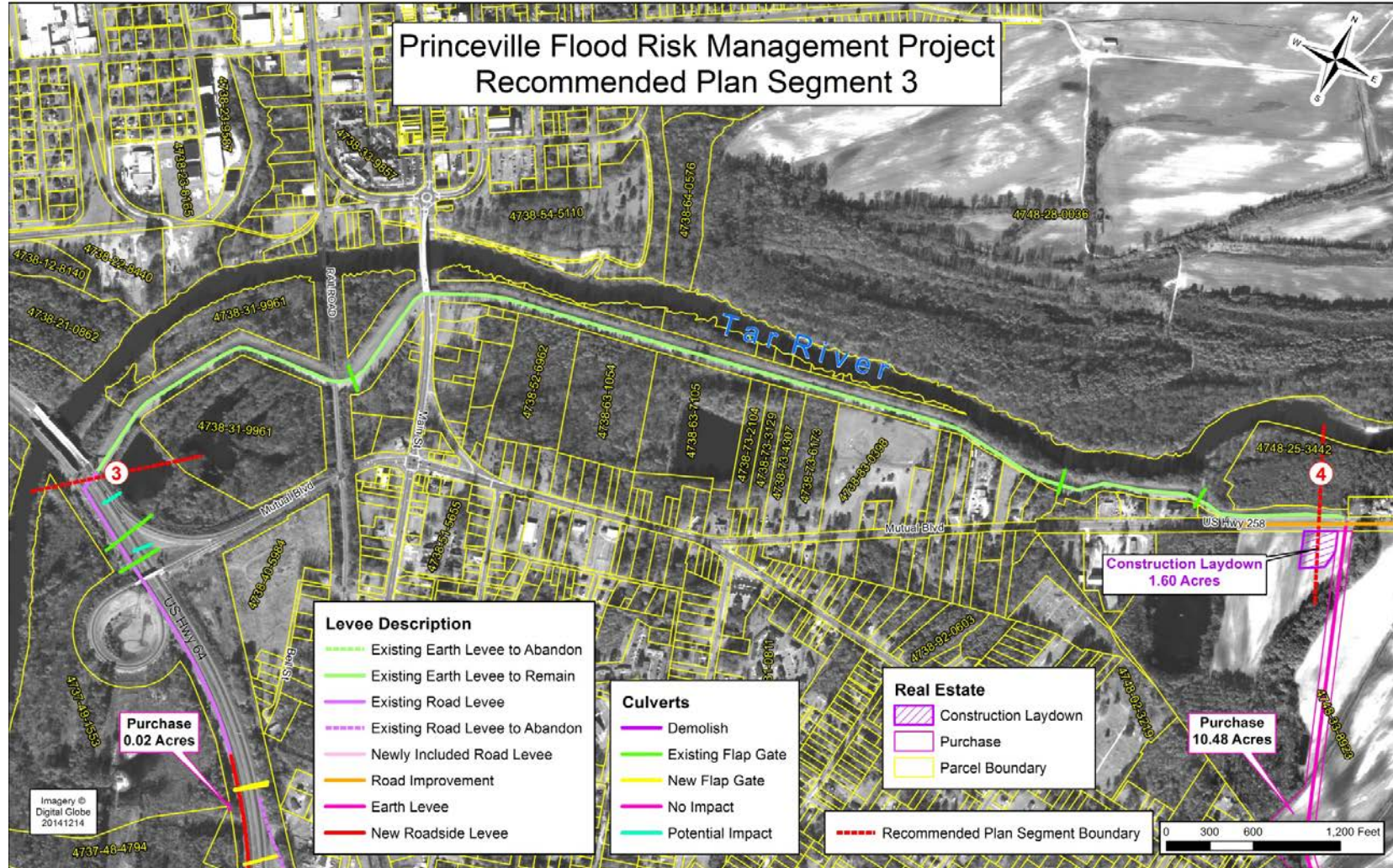


Figure 1.4-3 – Segment 2

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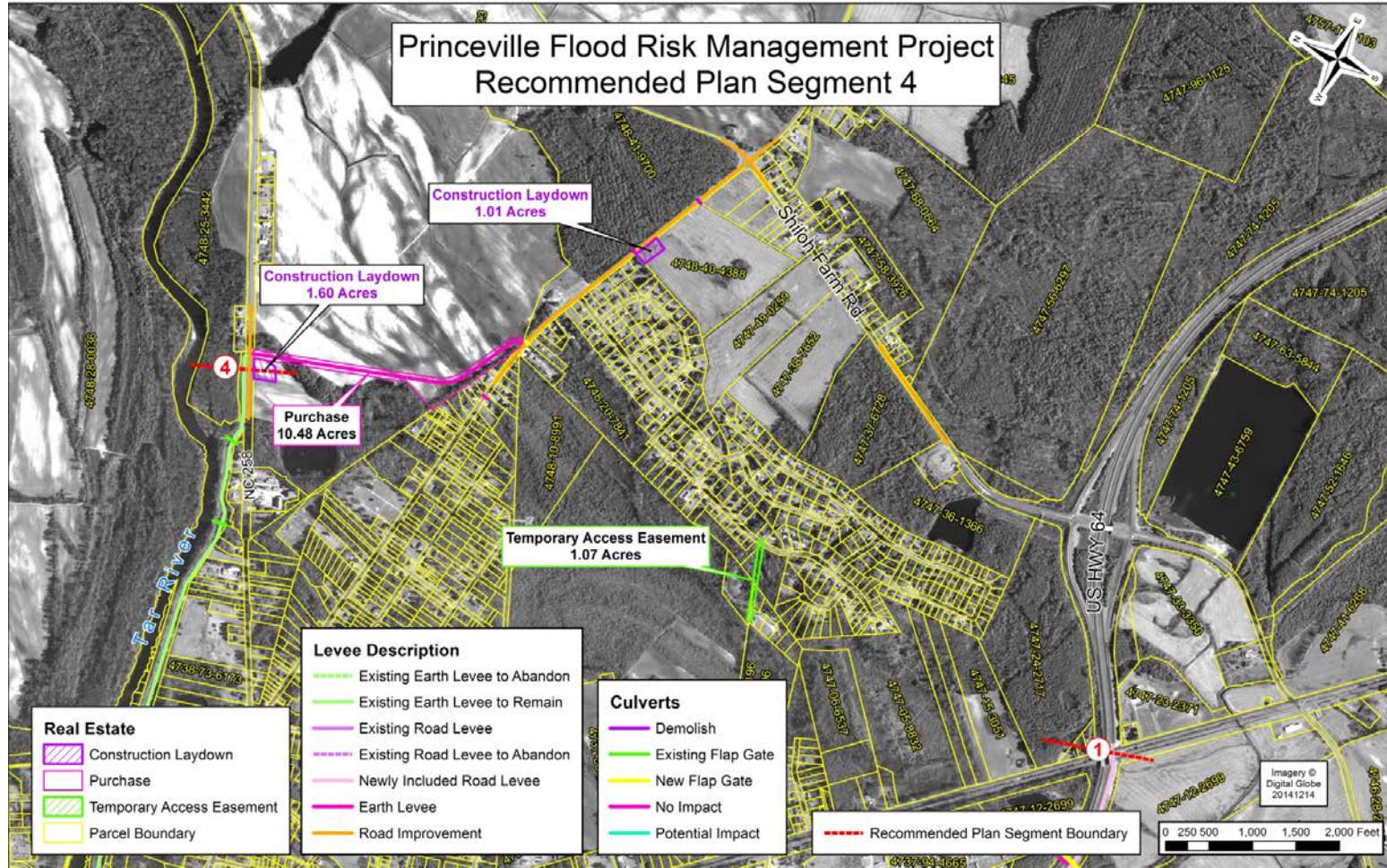
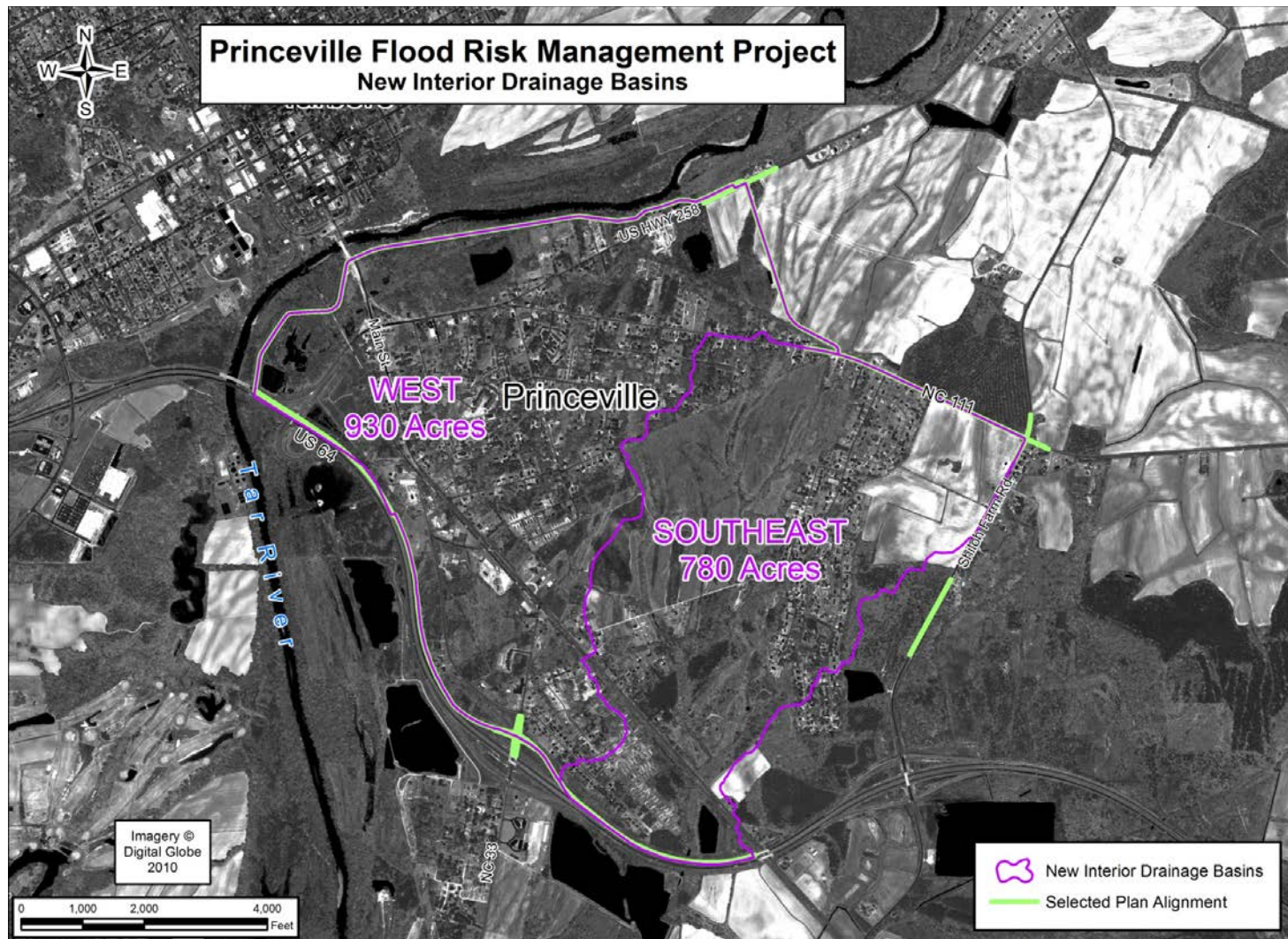


Figure 1.4-5 – Segment 4

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**Figure 1.4-6 – Interior Drainage Basins**

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## **2. REAL ESTATE REQUIREMENTS**

The requirements for lands, easements, rights-of-way and relocations, and disposal/borrow areas (LERRDs) should include the rights to construct, maintain, repair, operate, patrol and replace a flood protection levee system, floodwall, or gate closure including all appurtenances thereto and drainage/pipeline easements. All components of the project can be constructed under relocation contracts and standard approved easements. Detailed Real Estate maps are included at Exhibit "A".

### ***Segment 1***

Segment 1 (Figure 1.4-2) of the Selected Plan is a new levee segment consisting of an extension (or southern extension) of the existing southern levee downstream to high ground. It begins at the crossing of U.S. Highway 64 and Main Street and extends along U.S. Highway 64 approximately 5,000 linear feet in a northwesterly direction to the location of the on-ramp from N.C. Highway 33 to U.S. Highway 64. Two (2) existing drainage pipes (owned by the state) within this new levee segment will require installation of backflow prevention devices.

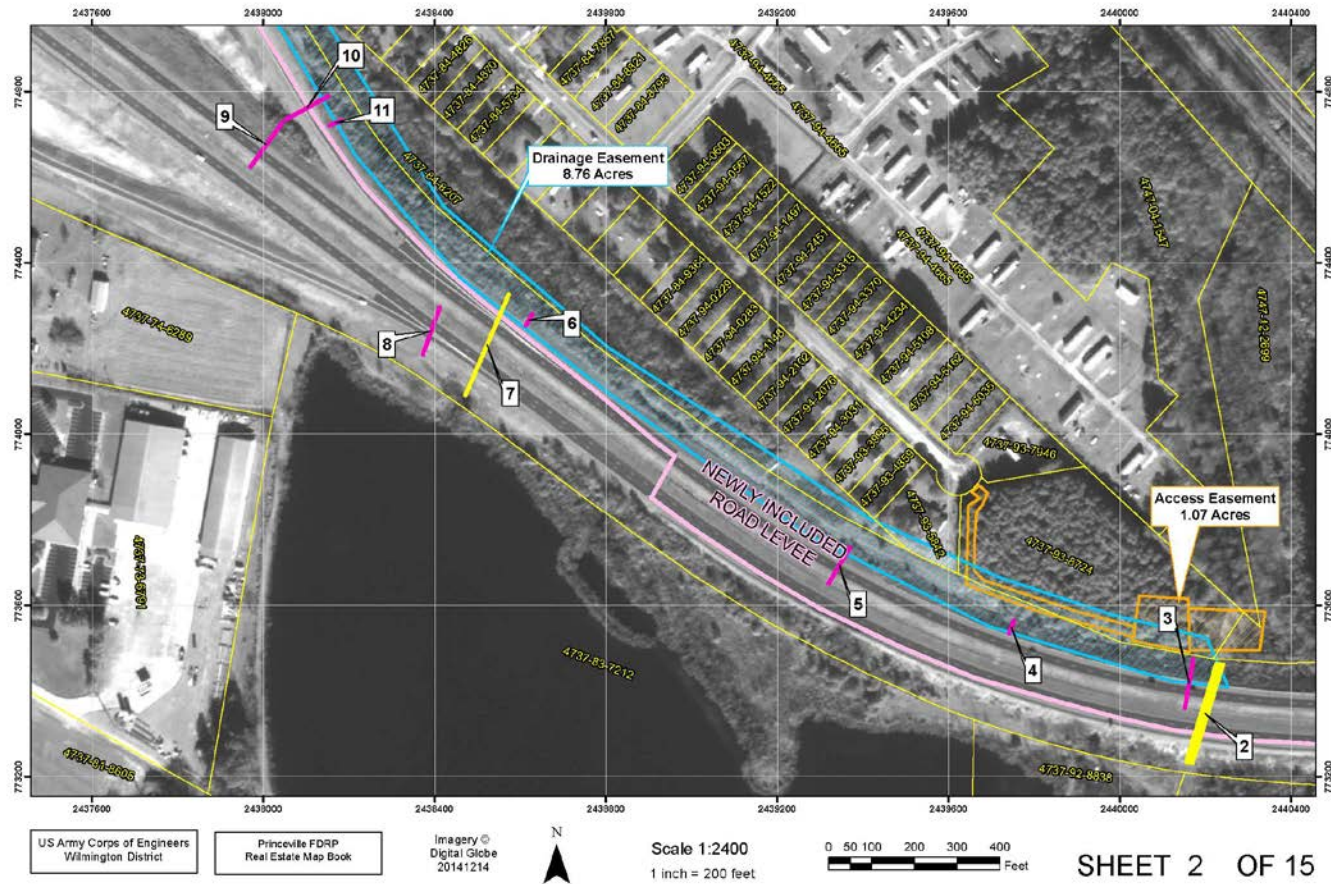
The real estate required in Segment 1 is approximately 11.93 acres. Work will take place within the existing rights of way for the two highways. Approximately 2.10 acres will be impacted within the rights of way. A cooperative agreement for the road modifications and an encroachment permit will be obtained from North Carolina Department of Transportation (NC DOT) for the work that will be done within the DOT rights of way. A preliminary assessment has concluded that modifications to US Highway 64 and N.C. Highway 33 as a result of the project are considered to be utility relocations and will be included as a LERRD cost. An Attorney's Opinion of Compensability will be completed during PED. Cost for utility relocations is estimated to be \$607,778. Additionally easements for drainage pipelines (will be owned by the State) will be required over approximately 8.76 acres impacting 12 landowners. Easements to allow access will also be required from 4 landowners over approximately 1.07 acres. The easement areas required for drainage/pipeline and access are shown at Figures 2-1 and 2-2 below. In summary Permits from NC DOT, the Utility/Pipeline Easement and the Temporary Work Area Easement will be used to accomplish work in Segment 1.

### ***Segment 2***

Segment 2 (Figure 1.4-3) includes formal abandonment of the existing southern levee both north and south of Highway 64 (previously called "Dike B"), formal adoption of a portion of the Highway 64 embankment as a project feature, and installation of a "shoulder levee" along a low spot in the existing Highway 64 embankment, to prevent overtopping up to the design event water surface elevation. The shoulder levee begins at the end of Segment 1, and runs north to the existing northern levee reach near the westbound bridge abutment of Highway 64 over the Tar River. Six (6) culverts within this realigned levee segment will require installation of flap gates.

The existing levee includes 3,650 linear feet of U.S. Highway 64 extending southeast from the existing northern levee segment. The RECOMMENDED PLAN includes construction of a "shoulder levee" along a low spot in the existing Highway 64 embankment. The "shoulder levee" will prevent overtopping up to the design event water surface elevation. The shoulder levee would be 3,450 linear feet long with a fill volume of 61,500 cubic yards. A portion of the shoulder levee would occupy approximately five (5) acres of wetlands on the river side of the existing levee. Wetland mitigation would be accomplished by purchase of credits through the

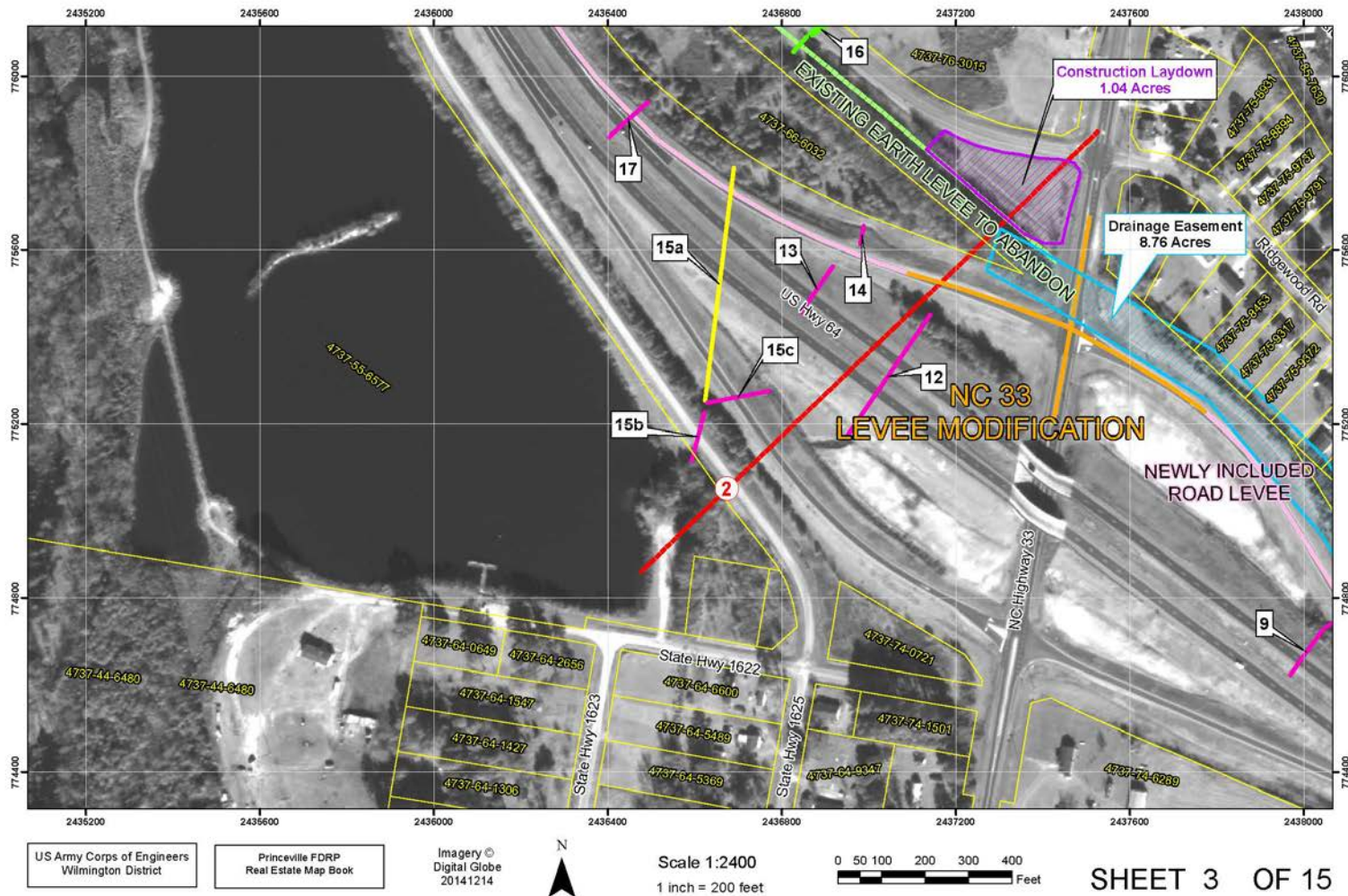
State's Division of Mitigation Service. Purchase of mitigation credits is not considered a real estate cost but rather is included as a construction cost in the total project cost.



**Figure 2-1 - Segment 1 - Southeast Interior Drainage Easement**

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**Figure 2-2 - Segment 1 - Southeast Interior Drainage Easement Cont'd**

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The real estate required in Segment 2 is approximately 8.2 acres. Of that, 5.85 acres is within the existing DOT right of way that will be used for the shoulder levee and approximately 1.04 acres will be used as for a laydown area. Two (2) private landowners will be impacted with the construction of this portion of the project by acquisition of 1.11 acres in Temporary Work Area Easement for an additional laydown area and 0.20 acres in a Levee Easement for the shoulder levee. A preliminary assessment has concluded that modifications to US Highway 64 as a result of the project are considered to be utility relocations and will be included as a LERRD cost. An Attorney's Opinion of Compensability will be completed during PED. Cost for Segment 2 utility relocations is estimated to be \$314,143. In summary Permits from NC DOT, the Temporary Work Area Easement and the Flood Protection Levee Easement will be used to accomplish work in Segment 2.

### **Segment 3**

Segment 3 (Figure 1.4-4) includes the existing northern levee from the west bound lane bridge abutment of U.S. Highway 64 over the Tar River approximately 9,700 linear feet east to the terminus at U.S. Highway 258. No modifications are required to the levee, therefore no real estate interest is required for this existing project segment.

### **Segment 4**

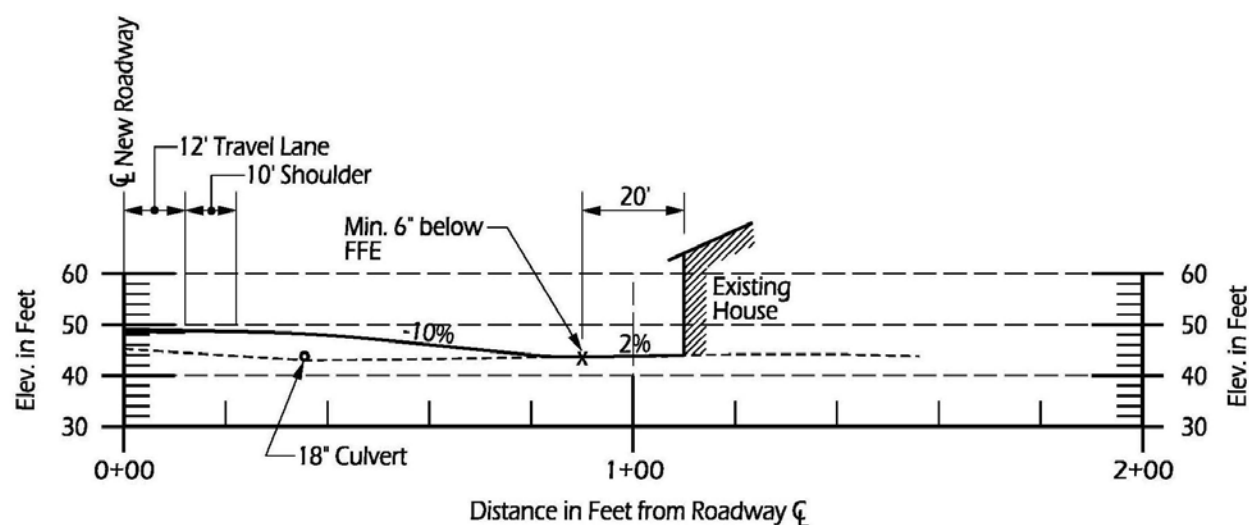
Segment 4 (Figure 1.4-5) includes extension of the existing levee at the point of its current northern-most terminus along Highway 258, to the east, and then south, to its juncture with the approximate southern terminus of the project.

The initial extension at the northern terminus would consist of a small extension at the height of the existing levee joining the levee to a new raised portion of Highway 258, which would bring all these features up to the same relative height (approx. elevation 49 feet NGVD).

A new levee extension of approximately 12.44 acres will consist of a 10 foot wide top with 3 horizontal to 1 vertical slopes for the embankment. The height of the levee will vary from 1 to 8 feet and will have bottom widths varying from 16 to 58 feet. Additionally a 15 foot wide vegetation clear zone will be established at the base on each side of the levee. A 100 foot wide right-of-way of approximately 3,400 feet in length, would then extend from Highway 258 southeast and then east southeast, across existing farmland, to a juncture with Highway NC 111. At this point, a new levee section on which NC 111 would be re-constructed, would run along the existing roadway right-of-way, approximately 3,350 feet to the intersection of NC 111 and Shiloh Farm Road. At this point a new levee segment, with re-constructed roadway, would run south approximately 400 feet along the existing right-of-way of Shiloh Farm Road to a point at which Shiloh Farm Road rises high enough not to require additional height. One levee/road-raising further south at a low point on Shiloh Farm Road would also be added, at a length of approximately 1,400 feet. Raising the roadway surfaces will require upgrades to meet current design standards. This will include the widening of the paved lanes from 10' to 12', widening of the shoulder to include 4' of paved shoulder and 4 feet of grassed shoulder, and installation of guard rail in accordance with the NCDOT Highway Design Manual.

Two (2) existing drainage culverts( owned by the State) will be replaced and will include backflow preventers. A 4' x 4' box culvert along U.S. Highway 258 will require construction of new head walls and installation of guard rail on both sides of the highway. A 48" culvert (owned by the county) along Shiloh Farm Road will require a flap gate.

Fifteen residential driveways, three commercial driveways and one subdivision intersection (Strickland Drive) along NC Hwy 111 will be adjusted to accommodate the new levee and road surface raise. Additionally, there will be eight residential driveways along Shiloh Farm Road, four near the intersection and four in the southern part that will be impacted. The driveways are proposed to be constructed at varying slopes not to exceed 10% grade having a minimal 10' vertical curve in lieu of a single break point that could lead to grounding of the vehicle at the top or bottom of the slope. Generally speaking 8-10% is the typical maximum slopes for residential driveways with some areas of the country allowing 15% in "hilly" terrains, 12.5% is normal tolerance for comfortable pedestrian traffic and 7% for parking vehicles. NCDOT will allow driveways tying to roads with no curb and gutter to vary from 2 percent to 25 percent and does not have requirements beyond the right-of-way. Figure 2-3 below is a typical driveway section showing drainage away from the residential structure to a point 20 feet from the structure. It is not recommended to increase the driveway slope beyond 10%.



**Figure 2-3 – Typical Driveway Section**

A total of twenty-seven private landowners will be impacted in the raising of driveways for which temporary work area easements will be required. The driveway modification is a "one time fix" for which a temporary work area easement will suffice. Approximately 0.52 acres on private land will be impacted by the driveway modifications. The deed containing the temporary work area easement will also include a hold harmless clause or release of liability against potential construction claims in the future associated with modification of the driveways. Should it be determined during PED that additional interests are required from adjacent landowners for the driveway modifications the NFS will be responsible for acquiring those interests. All costs associated with the driveway modifications on private land will be assigned to the NFS costs.

The real estate required for Segment 4 is approximately 28.37 acres with 11.73 acres being within existing DOT right of way. Two laydown areas of approximately 2.61 acres and 0.52 acres for the driveway modifications will be acquired in a two year temporary work area easements. During the construction on NC Hwy 111 a temporary access road, 20 feet wide by 900 feet long, will be required for access to the subdivision. The temporary access road as shown on

Figure 1.4.1-5 will impact 2 private landowners and 1.07 acres. The proposed earthen levee from Hwy 258 to NC Hwy 111 will impact one landowner and 12.44 acres.

A cooperative agreement for the road modifications and an encroachment permit will be obtained from North Carolina Department of Transportation (NC DOT) for the work that will be done within the DOT rights of way. A permit from Edgecombe County will be obtained for work along Shiloh Farm Road. A preliminary assessment has concluded that modifications to US Highway 258, NC Hwy 111 and Shiloh Farm Road as a result of the project are considered to be utility relocations and will be included as a LERRD cost. An Attorney's Opinion of Compensability will be completed during PED. Cost for the utility relocations for Segment 4 is estimated to be \$2,641,924. . In summary Permits from NC DOT and Edgecombe County, the Temporary Work Area Easement, the Flood Protection Levee Easement and the Temporary Road Easement will be used to accomplish work in Segment 4.

## 2.1 BORROW, DISPOSAL & STAGING AREAS

A proposed Borrow Area is located off Chinquapin Road and US Highway 64 (Figure 2.1-1). This area is a cultivated upland farm field which is about four miles east of the project area. No waters and/or wetlands are located on this property. No survey has been completed on the site, but data from tax maps indicates that the available acreage is approximately 40 acres. The site will be acquired in perpetual Borrow Easement. One landowner is impacted.

Asphalt debris will be taken to an asphalt recycle center and vegetative debris will be chipped on site. No other significant debris is expected from the project so a disposal site is not being acquired for the project.

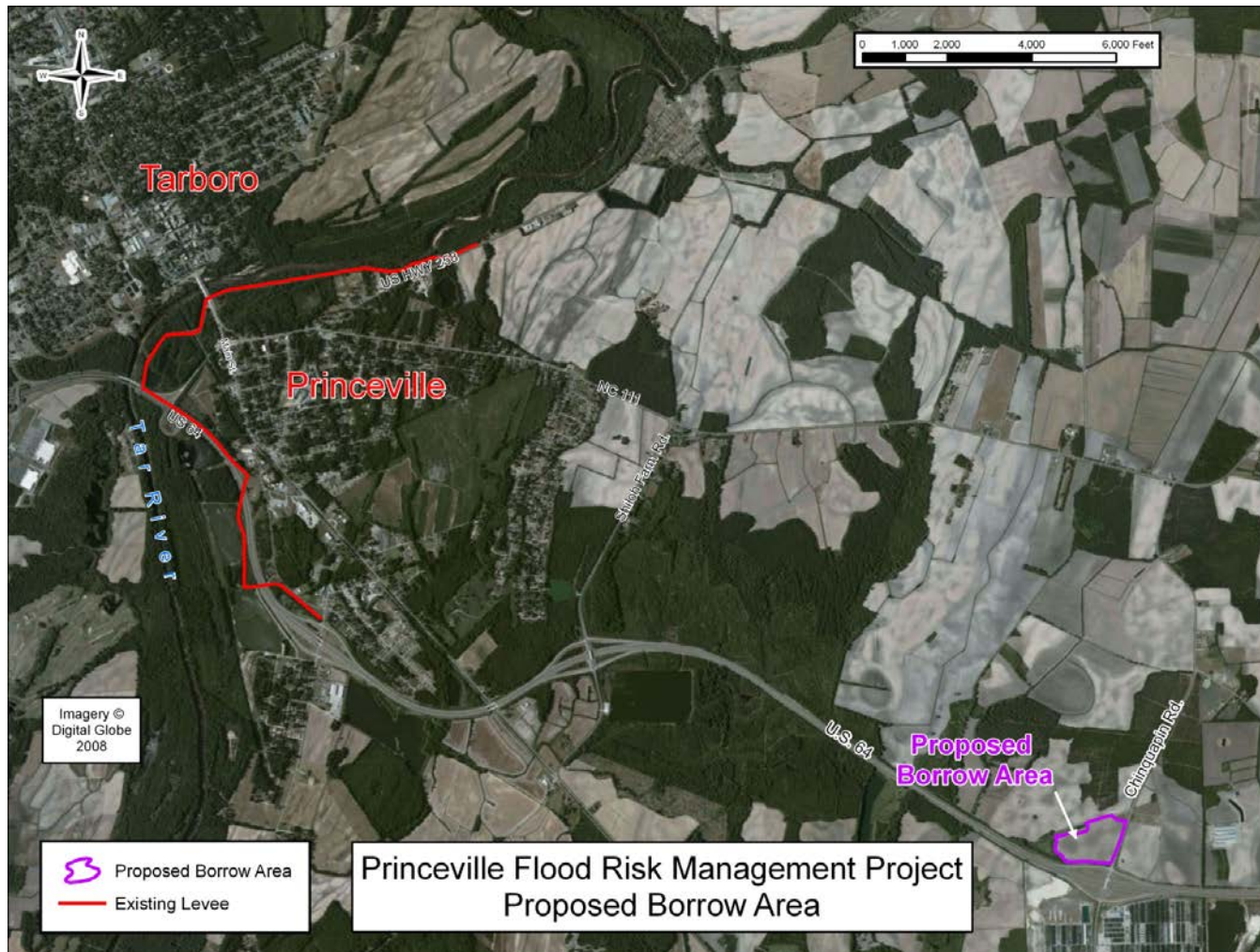
Staging is expected to be within the road right of ways and the temporary work areas to be acquired and project access is expected to be by public road and temporary work area easements on private property.

A summary of the real estate requirements for each measure is shown at Table 2.1-1. The real estate costs shown are defined in greater detail at Section 1.21 Real Estate Estimate

**Table 2.1-1**  
**Summary of Real Estate Requirements for the Selected Plan**

| Segment  | Private Owners | Borrow Acreage | Temp Work Area Acreage | DOT ROW Acreage | Levee/ Berm Acreage | Pipeline/ Utility Acreage | Temp Road Acreage | Permits/ Utility Agreements | Private Drive Modifications | Utility Relocations | Total RE Cost*     |
|--|----------------|----------------|------------------------|-----------------|---------------------|---------------------------|-------------------|-----------------------------|-----------------------------|---------------------|--------------------|
| 1  | 16             |                | 1.07                   | 2.10            |                     | 8.76                      |                   | 2                           |                             | 591,382             | 1,102,625          |
| 2  | 3              |                | 1.11                   | 6.89            | 0.20                |                           |                   | 2                           |                             | 206,847             | 345,280            |
| 3  | 0              |                |                        |                 |                     |                           |                   |                             |                             |                     | 0                  |
| 4  | 32             |                | 2.61                   | 11.73           | 12.44               |                           | 1.07              | 4                           | 79,781                      | 2,518,530           | 3,985,471          |
| Borrow Area  | 1              | 40.00          |                        |                 |                     |                           |                   |                             |                             |                     | 214,650            |
| Total  | 52             | 40             | 4.79                   | 20.72           | 12.64               | 8.76                      | 1.07              | 8                           | 79,781                      | 3,316,759           | 5,648,026          |
| *Total Real Estate Cost includes land, administrative costs and utility/facility relocations |                |                |                        |                 |                     |                           |                   |                             |                             |                     | <b>R 5,648,000</b> |





**Figure 2.1-1 - Proposed Borrow Area**

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### **3. NON FEDERAL SPONSOR OWNED LANDS**

Approximately 20.72 acres required for the project are in the NCDOT rights of way. The DOT is an entity of the State of North Carolina.

### **4. ESTATES FOR PROPOSED PROJECT**

The following standard estates are suggested for use in the project. The Temporary Work Area Easement will be used for staging areas, modifications of driveways and for access purposes. The levee across private property will be constructed using the Flood Protection Levee Easement. The levees to be constructed within the DOT right-of-ways will be constructed under permits. However after design is complete, should any part of the levees or flood walls fall outside the DOT right-of-way and on private property, the Flood Protection Levee Easement will be used. A Temporary Road Easement will be used for construction of the access road to the subdivision off NC Hwy 111. The Utility/Pipeline Easements will be used for the drainage required along Highway 64. The Borrow Easement will be used for soil materials required during construction. No non-standard estates are required for the project.

#### **FLOOD PROTECTION LEVEE EASEMENT.**

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag closure), including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

#### **TEMPORARY WORK AREA EASEMENT.**

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_), for a period not to exceed \_\_\_\_\_, beginning with date possession of the land is granted to the State of North Carolina, for use by the United States of America, the State, their representatives, agents, and contractors as a work area, including the right to deposit fill thereon, move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Princeville Flood Risk Management Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

#### **ROAD EASEMENT.**

A (perpetual [exclusive] [non-exclusive]and assignable) (temporary) easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_) for the location, construction, operation, maintenance, alteration replacement of (a)

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road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

#### PIPELINE EASEMENT.

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_), for the location, construction, operation, maintenance, alteration; repair and patrol of underground drainage pipes; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the land owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

#### BORROW EASEMENT.

A perpetual and assignable right and easement to clear, borrow, excavate and remove soil, dirt, and other materials from (the land described in Schedule A) (Tracts Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_); 7/ subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges in said land as may be used without interfering with or abridging the rights and easement hereby acquired. 7/ The easement estate may be limited as to time, depending upon project requirements.

### **5. EXISTING PROJECTS**

The existing Princeville Dike, Tar River, Edgecombe County, North Carolina project was completed in September 1967. Construction was authorized February 6, 1964 under Section 205 of the 1948 Flood Control Act, as amended. The Sponsor for the original Section 205 project was Edgecombe County, North Carolina. Edgecombe County cost-shared the original construction and has the responsibility for operations and maintenance of the completed project. The original levee project was terminated on ground that is about 3 feet lower than the top of the levee and ties into the shoulder of U.S. Highway 258 on the northwest side of Princeville. The southern end of the levee terminated some 3 feet higher than the road and sloped down to tie into the shoulder of N.C. 33 on the southeast side of Princeville. The Wilmington District has carefully reviewed the Section 205 project documents and the design of the original project, and can find no explanation or reason for not providing standard tie-out levee segments to natural high ground at the north and south ends of the existing project. See Section 2.5 of the main report for more detailed information and photos of the original Section 205 project.

### **6. GOVERNMENT OWNED PROPERTY**

There are no known Federally owned lands within the proposed project.

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## **7. NAVIGATION SERVITUDE**

Navigation Servitude is not applicable to this project.

## **8. PROJECT MAP**

A project real estate map book is at Exhibit "A".

## **9. INDUCED FLOODING**

The hydrologic and hydraulic analyses used to generate water surface elevations and extent, for various flood frequencies used in this study, utilized the Corps' HEC-RAS modeling software, version 4.1. To date, these model runs found no significant induced flooding as a result of the proposed project. Additional detailed hydraulic analyses will be conducted based on finalized design specifications of the recommended plan during PED. If any impacts are identified during these analyses, appropriate action to address will be taken at that time.

If during PED there is any indication of induced flooding, a takings analysis will be performed to make a determination if the induced flooding is to the level of a taking.

## **10. REAL ESTATE ESTIMATE**

A gross appraisal was performed in April 2007 to determine land values for the project. Based on Policy Guidance Letter No. 31 – Real Estate Support to Civil Works Planning Paradigm (3x3x3), for projects in which the value of real estate (lands, improvements, and severance damages) are not expected to exceed ten percent of total project costs (total cost to implement project), a cost estimate (or rough order of magnitude (ROM)) will be acceptable for purposes of feasibility phase. A ROM estimate was performed for the project 12 June 2015. A contingency was not place on the ROM land value. Therefore the same contingency (35%) applied to other real estate cost is also applied to the land values. The 02 Relocations have an applied contingency of 31%. The estimated real estate costs at Table 10-1 include the land cost for acquisition of land, relocation costs, and federal and non-federal administrative costs. Administrative costs are those costs incurred for verifying ownership of lands, certification of those lands required for project purposes, legal opinions, analysis or other requirements that may be necessary during Planning, Engineering and Design (PED). Federal costs cited for permits and relocation contracts are for oversight and review purposes only. The NFS will acquire necessary permit and contracts for the project.

**Table 10-1.**

### **Real Estate Cost Estimate for the Selected Plan**

|                                   |         |
|-----------------------------------|---------|
| a. Lands and Improvements/Permits |         |
| 12.44 ac Earth Berm               | 44,318  |
| 0.20 ac Shoulder Levee            | 713     |
| 4.79 ac Temp Work Area Easement   | 7,236   |
| 40 ac Borrow Area                 | 148,500 |
| 8.76 ac for Drainage              | 52,560  |
| 1.07 ac Temporary Road Easement   | 1,284   |

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|                           |                         |
|---------------------------|-------------------------|
| 0.52 ac TWAE - Driveways  | 624                     |
| <b>52 owners impacted</b> | <b>subtotal 255,235</b> |

|  |               |
|--|---------------|
| b. P.L. 91-646 Relocations                           |               |
| Construction cost for Private Driveway Modifications | <b>79,781</b> |

|                        |                |
|------------------------|----------------|
| c. Administrative Cost | <b>632,000</b> |
| 01 Costs               | <b>572,000</b> |
| 02 Costs               | <b>60,000</b>  |

|  |         |          |         |
|--|---------|----------|---------|
|  | Fed     | Non -Fed | Total   |
| Acquisition                            | 130,000 | 416,000  | 546,000 |
| Permits                                | 6,000   | 20,000   | 26,000  |
| Utility/Facility Relocation Agreements | 20,000  | 40,000   | 60,000  |
| Total                                  | 156,000 | 476,000  | 632,000 |

|                             |                  |
|-----------------------------|------------------|
| d. Utility Relocation Costs | <b>3,316,759</b> |
|-----------------------------|------------------|

|                             |                  |
|-----------------------------|------------------|
| Sub-Total 01 Costs          | <b>907,016</b>   |
| Contingencies (35%) 01Lands | <b>317,000</b>   |
| Total 01 Costs              | <b>1,224,016</b> |

|                                    |                  |
|------------------------------------|------------------|
| Sub-Total 02 Costs                 | <b>3,376,759</b> |
| Contingencies (31%) 02 Relocations | <b>1,047,000</b> |
| Total 02 Costs                     | <b>4,423,759</b> |

|                       |                  |
|-----------------------|------------------|
| <b>TOTAL RE Costs</b> | <b>5,647,775</b> |
| <b>ROUNDED</b>        | <b>5,648,000</b> |

## 10.1 CHART OF ACCOUNTS

The cost estimate for all Federal and non-Federal real estate activities necessary for implementation of the project after completion of the feasibility study for land acquisition, construction, LERRD, and other items are coded as delineated in the Cost Work Breakdown Structure (CWBS). This real estate cost estimate is then incorporated into the Total Current Working Estimate utilizing the Microcomputer Aided Cost Engineering System (MCACES) at Table 10.1-1.

**Table 10.1-1.  
Chart of Accounts**

|        |  | FEDERAL | NON-FEDERAL | TOTALS             |
|--------|--|---------|-------------|--------------------|
| 01B    | LANDS AND DAMAGES                      |         |             |                    |
| 01B20  | Acquisition by NFS                     |         | 416,000     | 416,000            |
| 01B40  | Acq/Review of NFS                      | 130,000 |             | 130,000            |
| 01BX   | Contingencies (35%)                    | 45,500  | 145,600     | 191,100            |
|        | Subtotal                               | 175,500 | 561,600     | 737,100            |
| 01G    | TEMPORARY<br>PERMIT/LICENSE/ROE        |         |             |                    |
| 01G20  | By NFS                                 | 6,000   | 20,000      | 26,000             |
| 01GX   | Contingencies (35%)                    | 2,100   | 7,000       | 9,100              |
|        | Subtotal                               | 8,100   | 27,000      | 35,100             |
| 02100  | UTILITY RELOCATION                     |         |             |                    |
|        | Relocation Agreements                  | 20,000  | 40,000      | 60,000             |
|        | Relocation Costs                       |         | 3,316,759   | 3,316,759          |
| 02100X | Contingencies (31%)                    | 6,200   | 1,040,595   | 1,046,795          |
|        | Subtotal                               | 26,200  | 4,397,354   | 4,423,554          |
| 01R    | REAL ESTATE LAND PAYMENTS              |         |             |                    |
| 01R1B  | Land Payments by NFS                   |         | 255,235     | 255,235            |
| 01R2B  | PL91-646 Private Driveway Modification |         | 79,781      | 79,781             |
| 01R2D  | Review of NFS                          |         |             |                    |
| 01RX   | Contingencies (35%)                    |         | 117,256     | 117,256            |
|        | Subtotal                               |         | 452,272     | 452,272            |
|        | TOTALS                                 | 209,800 | 5,438,226   | 5,648,026          |
|        | <b>ROUNDED TO</b>                      |         |             | <b>\$5,648,000</b> |

## 11. PUBLIC LAW 91-646, RELOCATION ASSISTANCE BENEFITS

Public Law 91-646, Uniform Relocation Assistance provides entitlement for various payments associated with federal participation in acquisition of real property. Title II makes provision for relocation expenses for displaced persons, and Title III provides for reimbursement of certain expenses incidental to transfer of property. No relocations either temporary or permanent are expected as a result of this project.

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## **12. MINERAL RIGHTS / TIMBER RIGHTS**

There are no mineral activities noted in the area and no rights to be acquired within the scope of the proposed project. There are no timber activities or rights to be acquired within the scope of the proposed project.

## **13. PROJECT SPONSOR RESPONSIBILITIES AND CAPABILITIES**

The State of North Carolina will be the non-Federal Project Sponsor (NFS). The NFS has the responsibility to acquire all real estate interests required for the Project. The NFS shall accomplish all alterations and relocations of utilities/facilities, structures and improvements determined by the government to be necessary for construction of the Project. The sponsor will have operation and maintenance responsibility for the project after construction is completed.

Title to any acquired real estate will be retained by the Project Sponsor and will not be conveyed to the United States Government. Prior to advertisement of any construction contract, the NFS shall furnish to the government an Authorization for Entry for Construction (Exhibit "B" to the Real Estate Appendix) to all lands, easements and rights-of-way, as necessary. The NFS will also furnish to the government evidence supporting their legal authority to grant rights-of-way to such lands. The NFS shall comply with applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, approved 2 January 1971, and amended by Title IV of the Surface Transportation Uniform Relocation Assistance Act of 1987, Public Law 100-17, effective 2 April 1989, in acquiring real estate interests for the Project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act(s). A form for the Assessment of the Non-Federal Sponsor's Capability to Acquire Real Estate is at Exhibit "C" to the Real Estate Appendix.

The non-Federal sponsor is entitled to receive credit against its share of project costs for the value of lands it provides and the value of the relocations that are required for the project. Generally, for the purpose of determining the amount of credit to be afforded, the value of the LER is the fair market value of the real property interest, plus certain incidental costs of acquiring those interests, that the non-federal sponsor provided for the project as required by the Government.

## **14. ZONING ORDINANCES**

Zoning ordinances are not of issue with this project. Application or enactment of zoning ordinances is not to be used in lieu of acquisition.

## **15. ACQUISITION SCHEDULE**

The project sponsor is responsible for acquiring real estate interests required for the project. However, It is projected that acquisitions will take approximately 18 -24 months, and can begin when final plans and specs have been completed and the PPA has been executed. The Project Sponsor, Project Manager and Real Estate Technical Manager will formulate the milestone schedule upon project approval to meet dates for advertisement and award of a construction contract. An example of a milestone schedule that identifies the action items in the acquisition process and the party responsible for each action is included as Exhibit D.

## **16. UTILITY/FACILITY RELOCATION**

The term "relocation" shall mean providing a functionally equivalent facility to the owner of an existing utility, cemetery, highway or other public facility or town when such action is authorized in accordance with applicable legal principles of just compensation or as otherwise provided by Federal statute or any project report or House or Senate document referenced therein.

Providing a functionally equivalent facility may take the form of adjusting, altering, lowering, raising, or replacement and attendant removal of the affected facility or part thereof. It is important to note that relocation assistance under Public Law 91-646 relates specifically to displaced persons, and should be distinguished from the separate concept of facility or utility relocations.

In accordance with Real Estate Policy Guidance Letter (PGL) No. 31- Real Estate Support to Civil Works Planning Paradigm (3x3x3), where the estimated total cost to modify all project utility facility relocations, including the value of any additional lands that may be required to perform the relocations does not exceed 30 percent of estimated total project costs, the District office of Real Estate shall, in lieu of an attorney's opinion of compensability prepare a real estate assessment during feasibility.

Modifications to US Highway 258, NC Highway 33, NC Highway 11, and Shiloh Farm Road are identified as relocations. A preliminary assessment has been made regarding the relocations but an Attorney's Opinion of Compensability will be prepared during PED to determine whether the owners of the utilities/facilities have a compensable interest in the land. Owners may be required to finance the relocations of some utility/facilities where required by permit or statute. Relocations are estimated at \$3,649,778. Modifications to existing culverts are considered utility relocations as well and are included in the estimated cost for relocations. Utility/facility relocations are a NFS responsibility.

Authority to enter into a relocation agreement resides in either the general project authority to acquire real estate or in a specific statutory authority to do the relocations. The type authority for the relocation determines whether the parties will use a real estate relocation agreement or a cooperative agreement to carry out the relocation. Generally a cooperative agreement is to be used where the agreement is with a State or local government.

For planning purposes the NCDOT and Edgecombe County are considered fee owners of the highway rights of way. This can only be confirmed through a title search which will not be done until PED phase. However, past experience with work in rights of way has not shown a joint ownership of those rights of way with private landowners and only an Encroachment Permit from the DOT has been required

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.



#### **17. HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW)**

No hazardous or toxic waste sites are known to occur in the project area, nor will any toxic substances be introduced as a part of this project. See Section 8.8 Hazardous, Toxic, and Radioactive Wastes in the main report for more detailed information.

#### **18. ATTITUDE OF PROPERTY OWNERS**

There have been public meetings to explain the project to the local community. The Town of Princeville is in favor of the project.

#### **19. ADVANCE ACQUISITION**

The NFS is not encouraged to acquire lands required for the project prior to execution of the Project Partnership Agreement (PPA). Should the NFS proceed with acquisition of lands prior to execution of the PPA, it is at the risk of not receiving credit or reimbursement for any costs incurred in the connection with the acquisition process should the PPA not be signed. There is also risk in acquiring lands either not needed for the project or not acquired in compliance with requirements for crediting purposes in accordance with 49 CFR Part 24, dated March 2, 1989. A letter identifying risk of early acquisition (Exhibit "E") was sent to the sponsor in April 2011.

#### **20. OTHER REAL ESTATE ISSUES**

During the study coordination with NC State and Federal environmental agencies has been continuous in an effort to make sure that environmental impacts are minimized. Every effort is being made to alter the dike alignments to avoid impacts to wetlands. However a portion of the shoulder levee along US Highway 64 will impact approximately 5 acres of wetlands. This impact will be mitigated by the purchase of credits through the State's Division of Mitigation Service. The mitigation credits are considered a construction cost and will not be credited as a LERRD cost. None of the alternatives being considered are anticipated to have any significant environmental impacts. "In-lieu-fee" arrangements for compensatory mitigation is allowed under Section 404 of the Clean Water Act and Section 10 of The Rivers and Harbors Act.

## REAL ESTATE PLAN CERTIFICATION

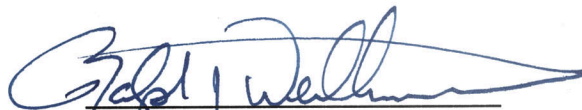
This Real Estate Appendix has been prepared in accordance with policy and guidance set forth in ER 405-1-12, Chapter 12, Real Estate Planning and Acquisition Responsibilities for Civil Works Projects.

Prepared by:

A handwritten signature in blue ink, reading "Belinda Estabrook", written over a horizontal line.

Senior Realty Specialist

Reviewed and approved by:

A handwritten signature in blue ink, reading "Ralph J. Werthmann", written over a horizontal line.

Ralph J. Werthmann  
Chief, Real Estate Division

# EXHIBITS

**EXHIBIT “A” - REAL ESTATE MAP BOOK**

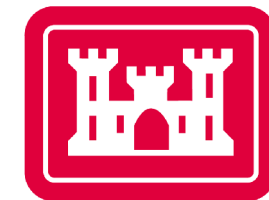
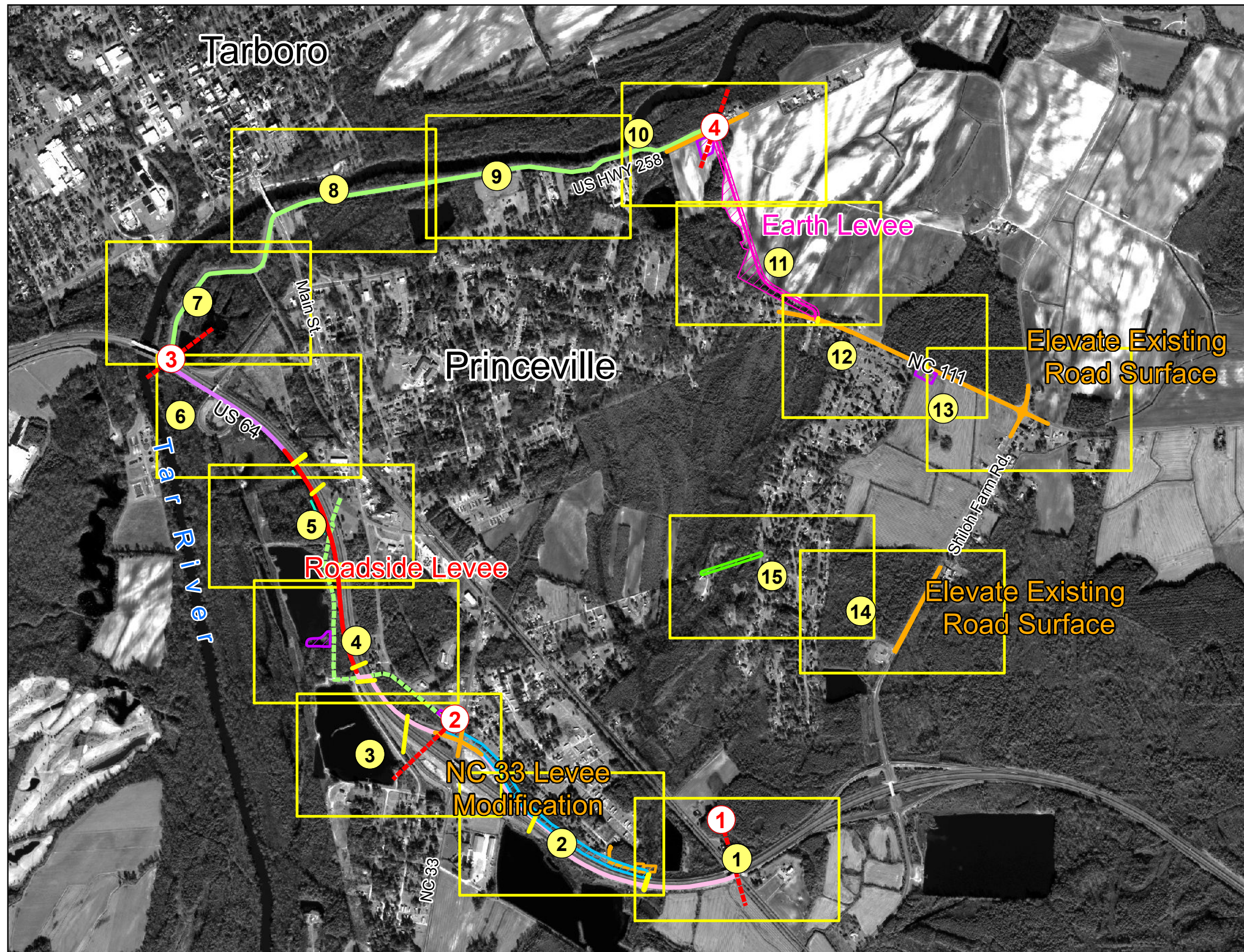
**EXHIBIT “B” - AUTHORIZATION FOR ENTRY FOR CONSTRUCTION**

**EXHIBIT “C” - ASSESSMENT OF NON FEDERAL SPONSOR’S REAL ESTATE  
ACQUISITION CAPABILITY**

**EXHIBIT “D” – MILESTONE SCHEDULE**

**EXHIBIT “E” – RISK LETTER TO SPONSOR**

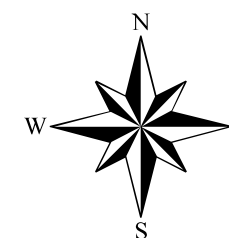
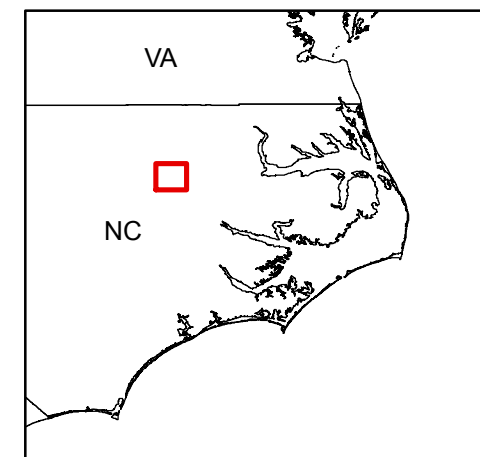




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Wilmington, North Carolina

Exhibit A



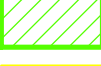





**Notes:**




- 1. Imagery © Digital Globe. December 14, 2014
- 2. Parcel Data obtained from Edgecombe County.  
Current as of March 30, 2015.
- 3. Index Map Scale 1:18000  
1 inch = 150 ft.
- 4. Map Book Scale 1:2400  
1 inch = 200 ft.

**Legend**






**Real Estate**

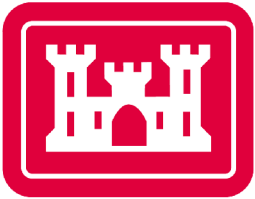
-  Construction Laydown
-  Purchase
-  Temporary Access Easement
-  Parcel Boundary
-  Access Easement
-  Drainage Easement

**Selected Plan**

-  Existing Earth Levee to Abandon
-  Existing Earth Levee to Remain
-  Existing Road Levee
-  Newly Included Road Levee
-  Roadside Levee
-  Earth Levee
-  Road Improvement
-  Selected Plan Segment Boundary

**Culverts**

-  Demolish
-  Existing Flap Gate
-  New Flap Gate
-  No Impact
-  Potential Impact

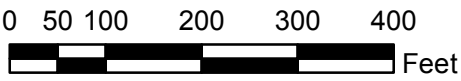
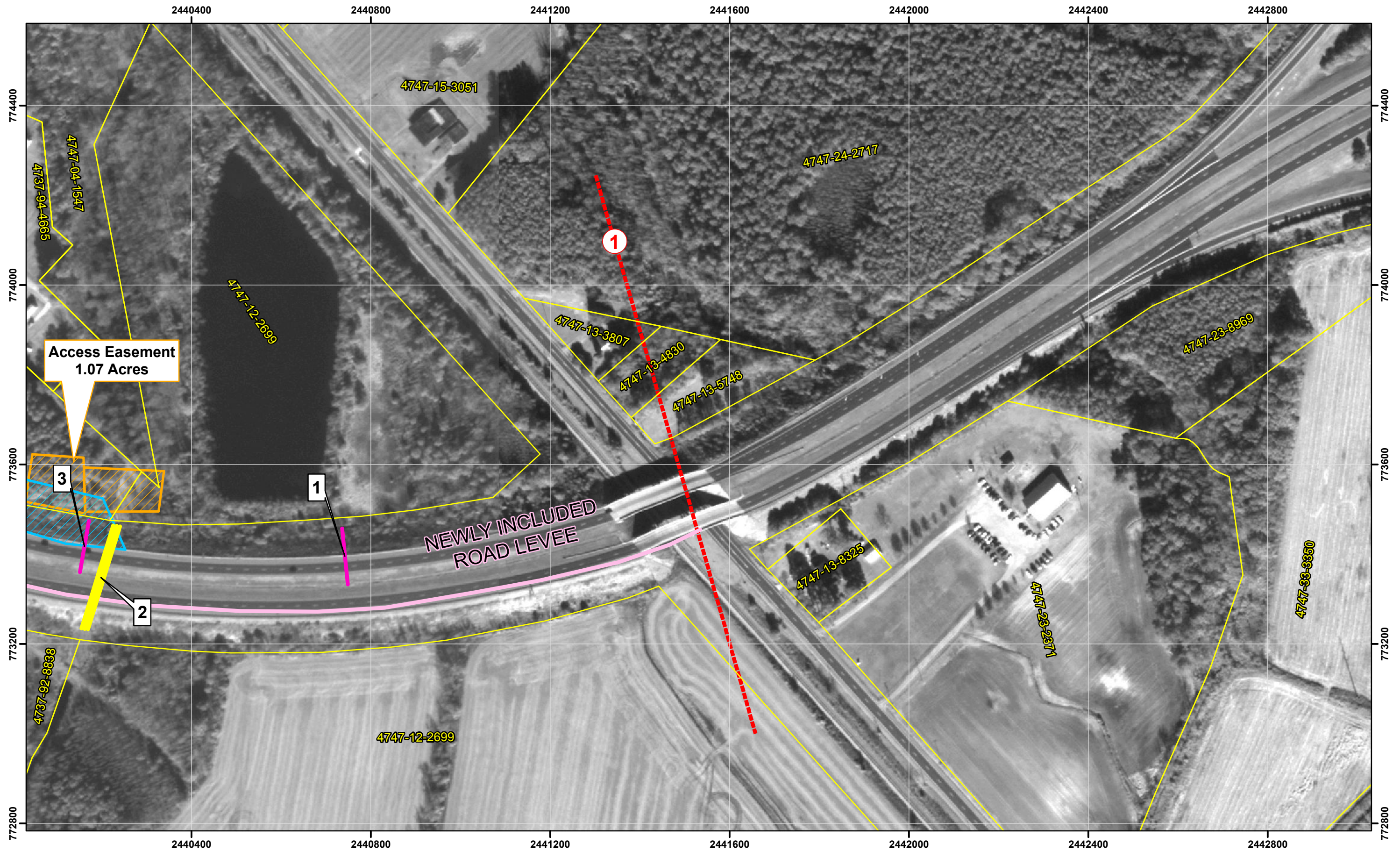


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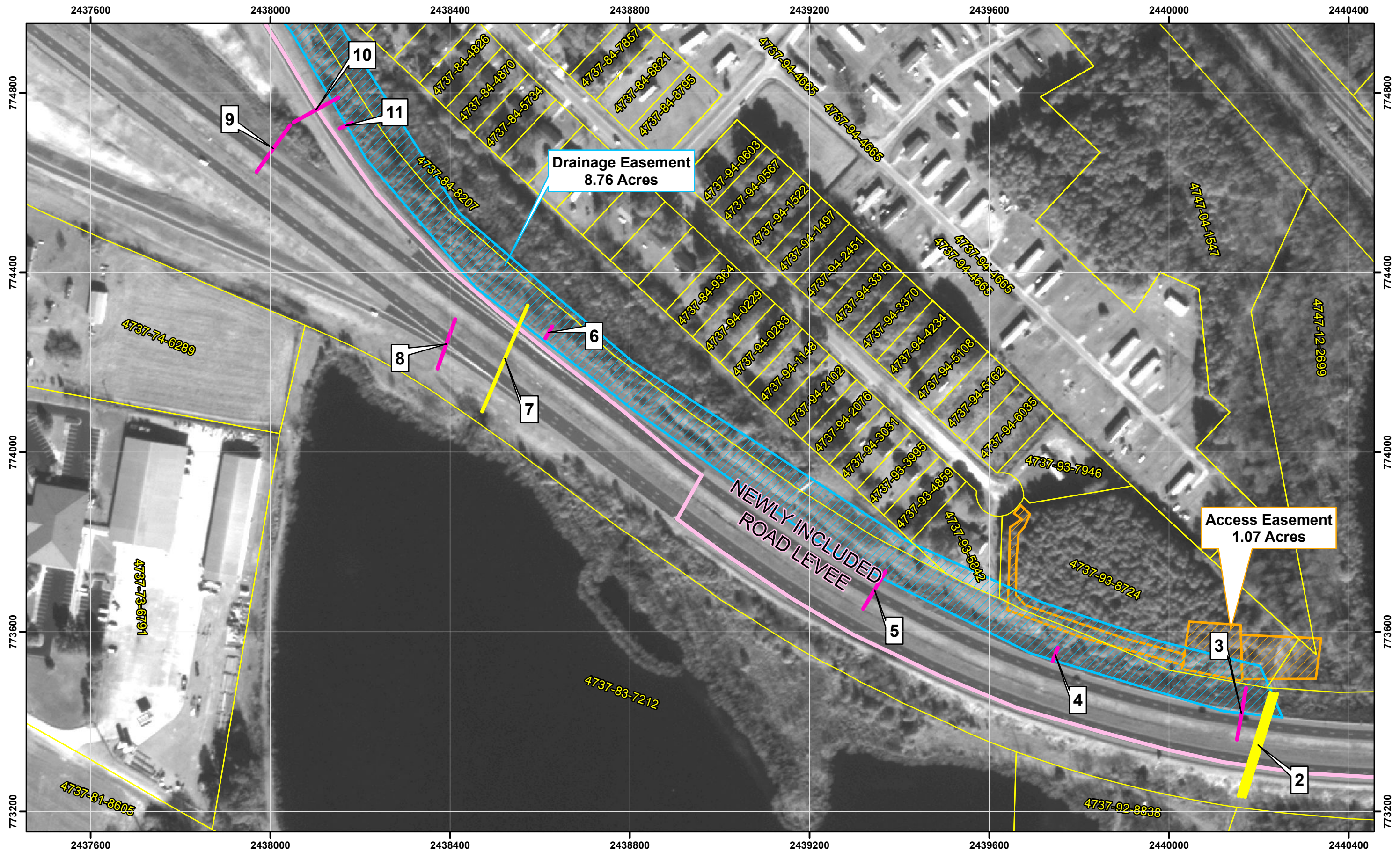
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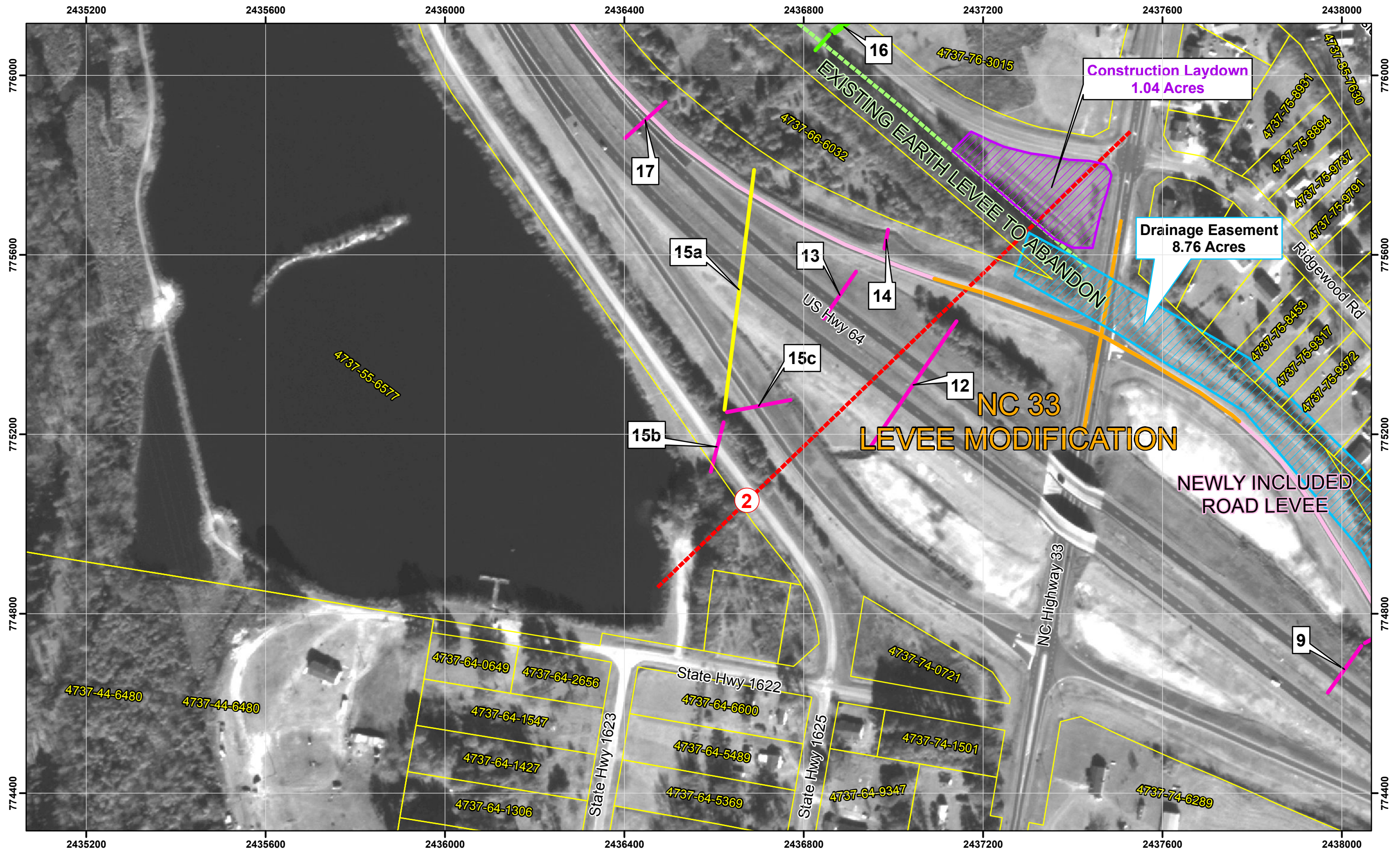




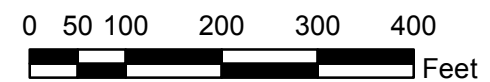




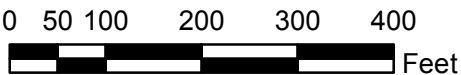
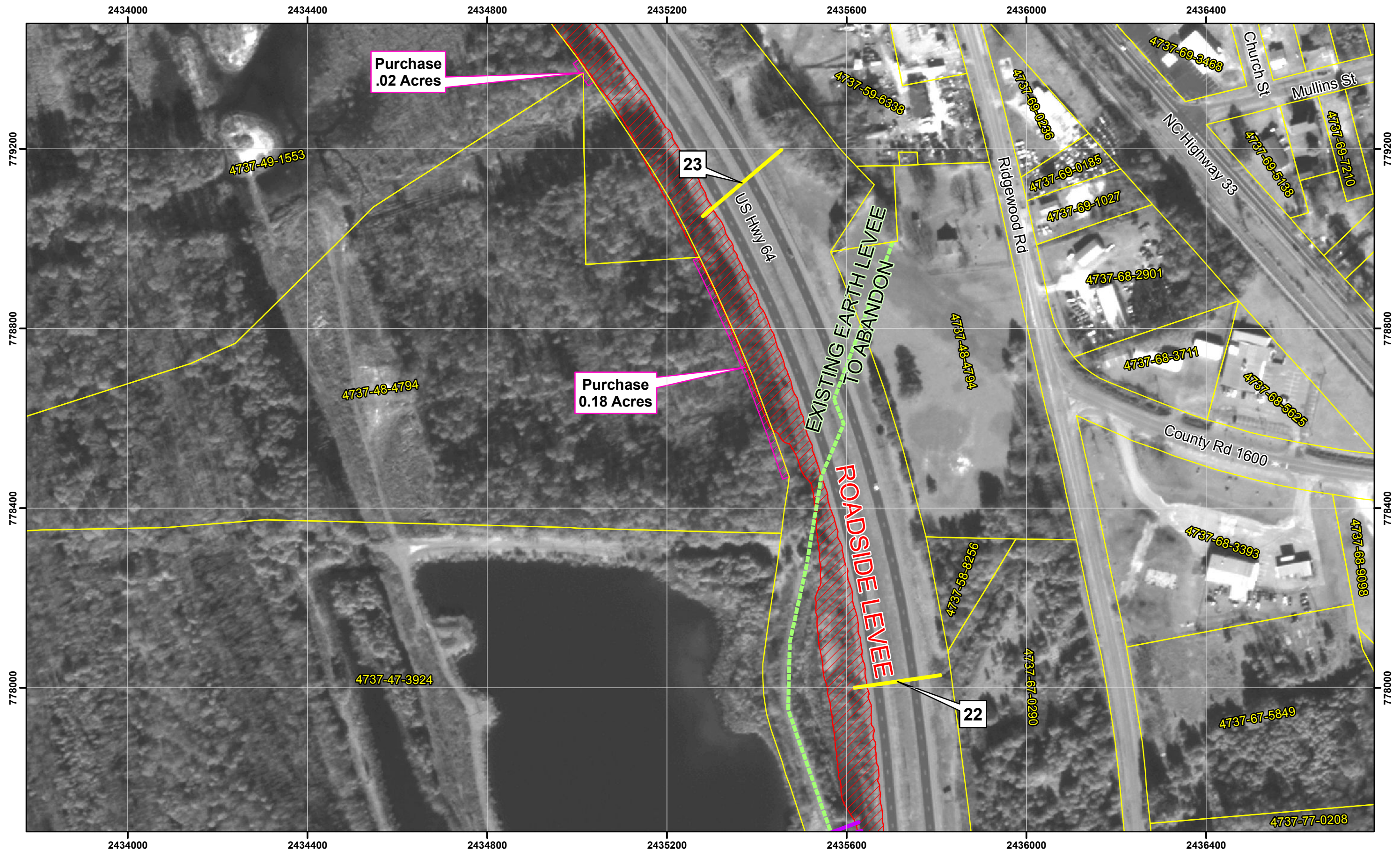




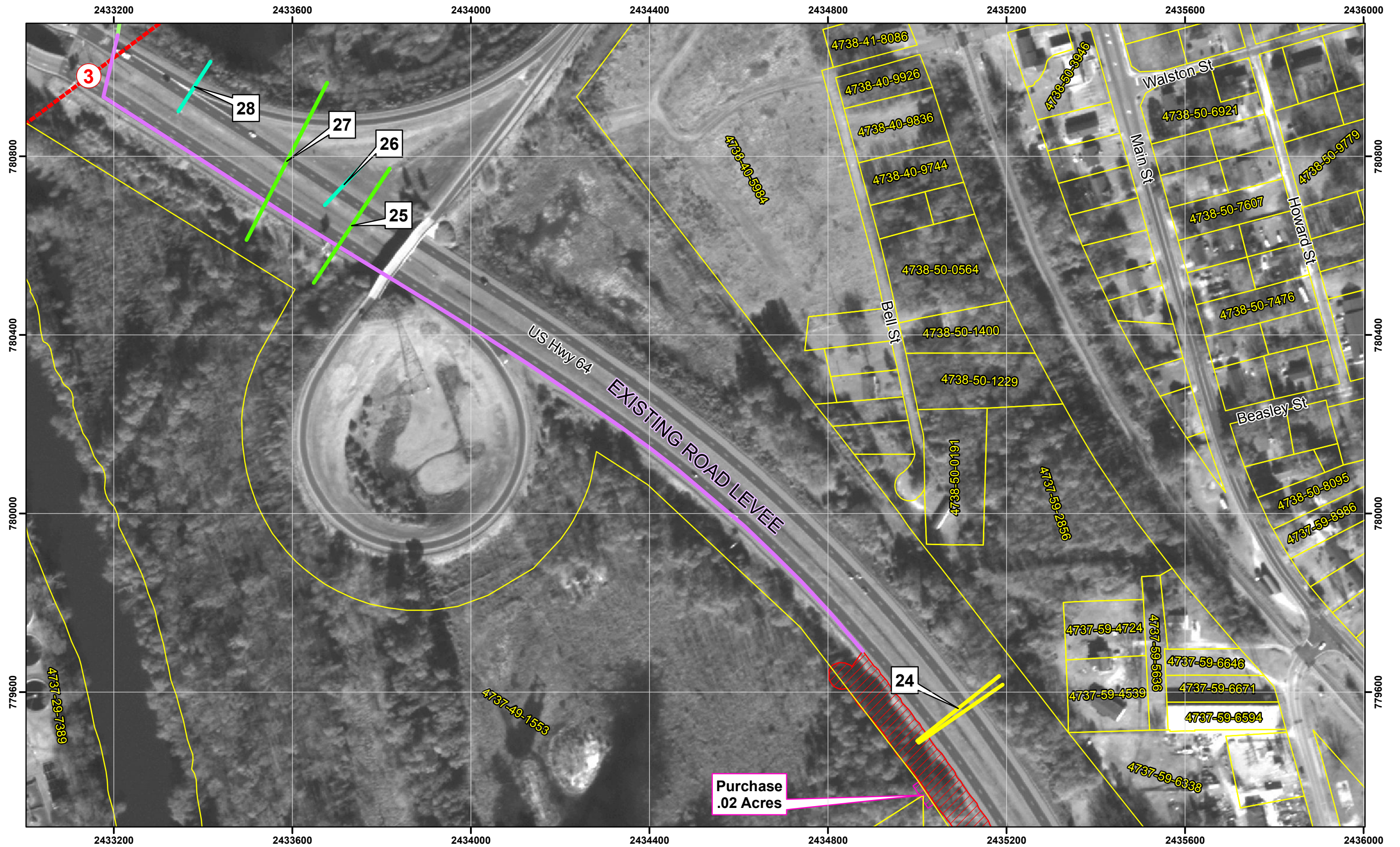




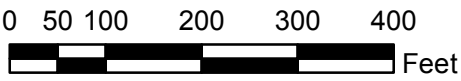








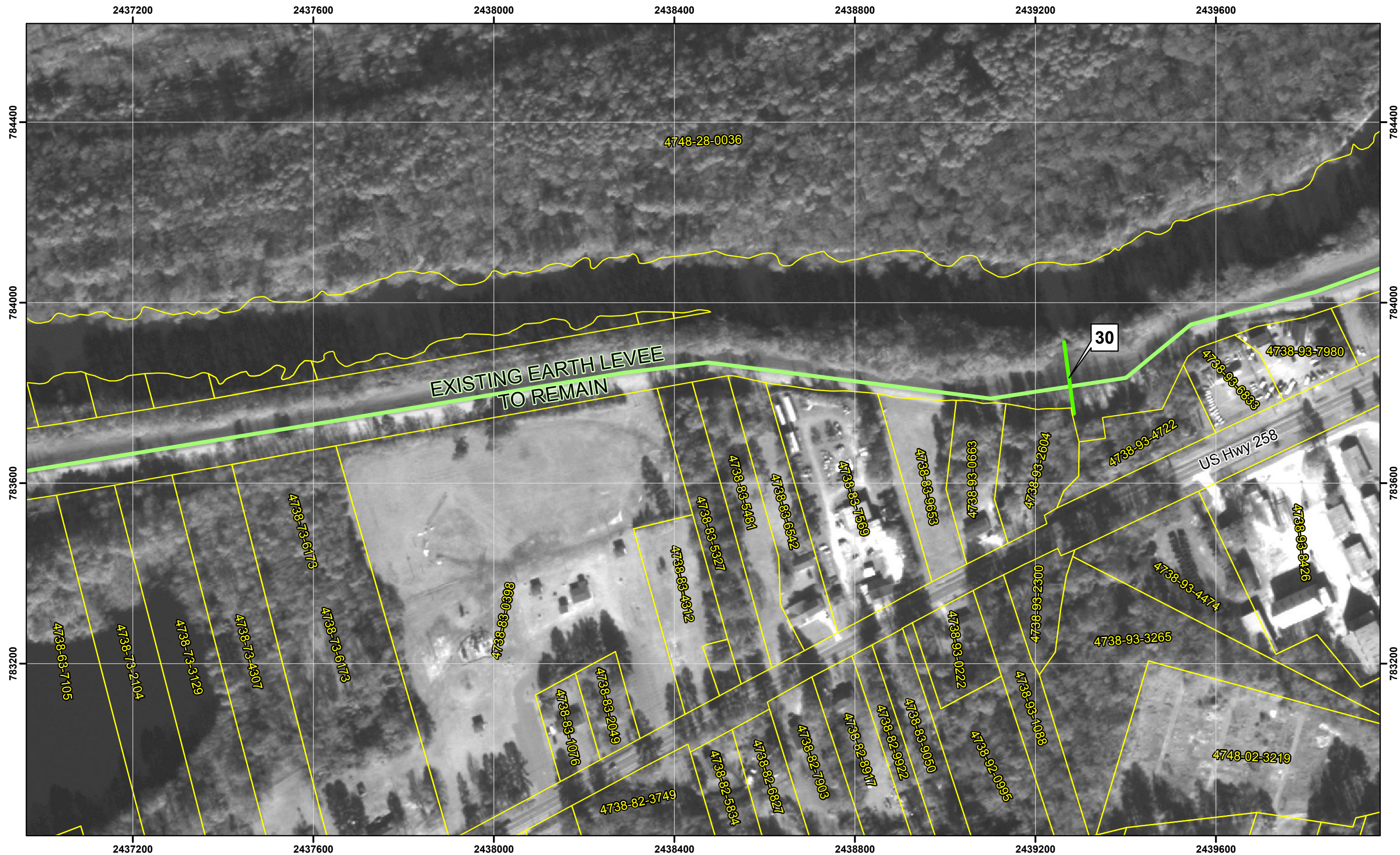












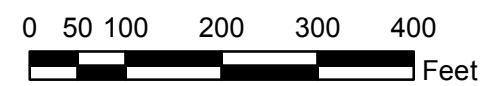
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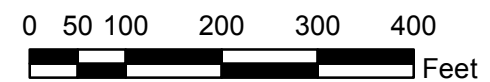
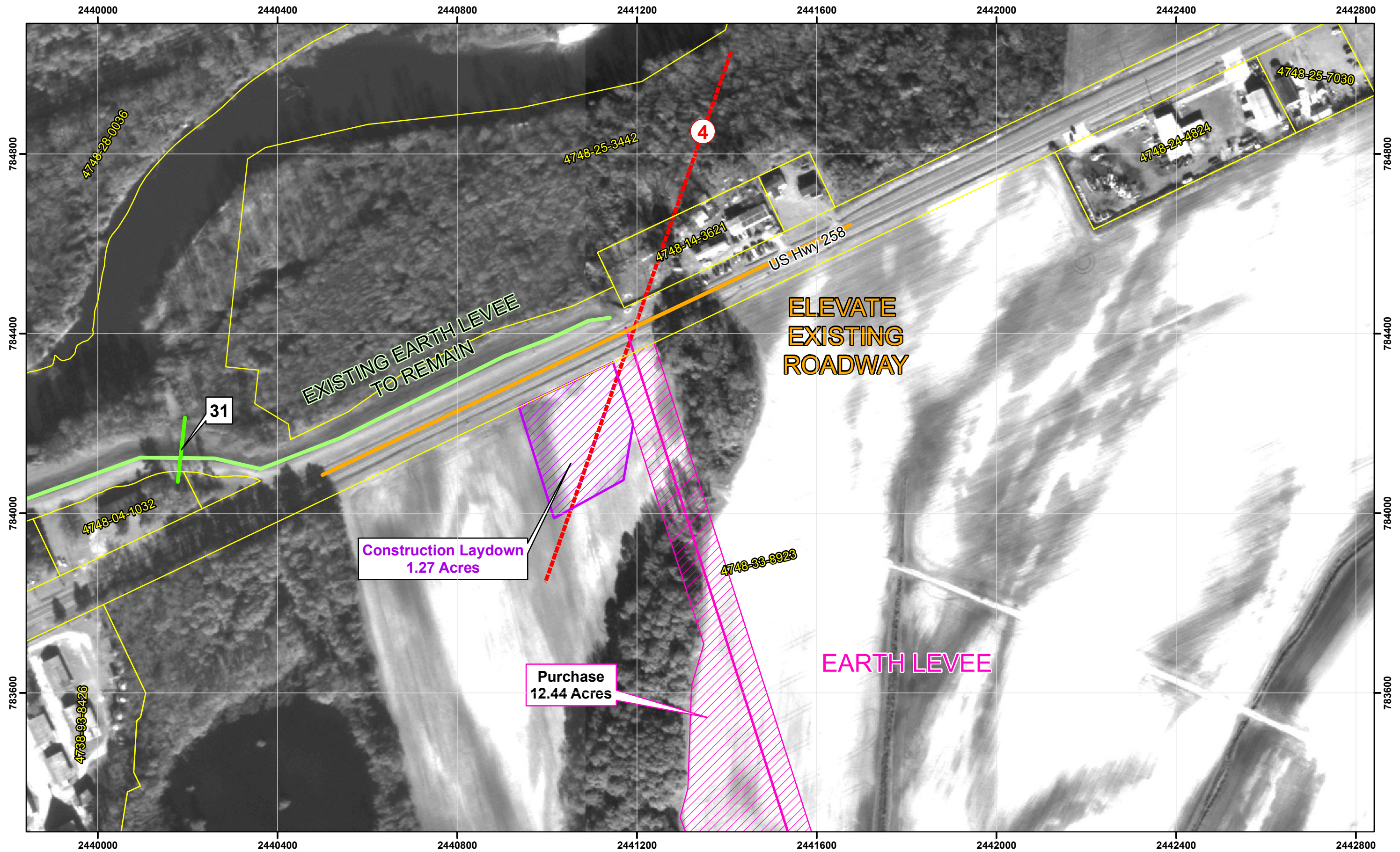


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1 inch = 200 feet

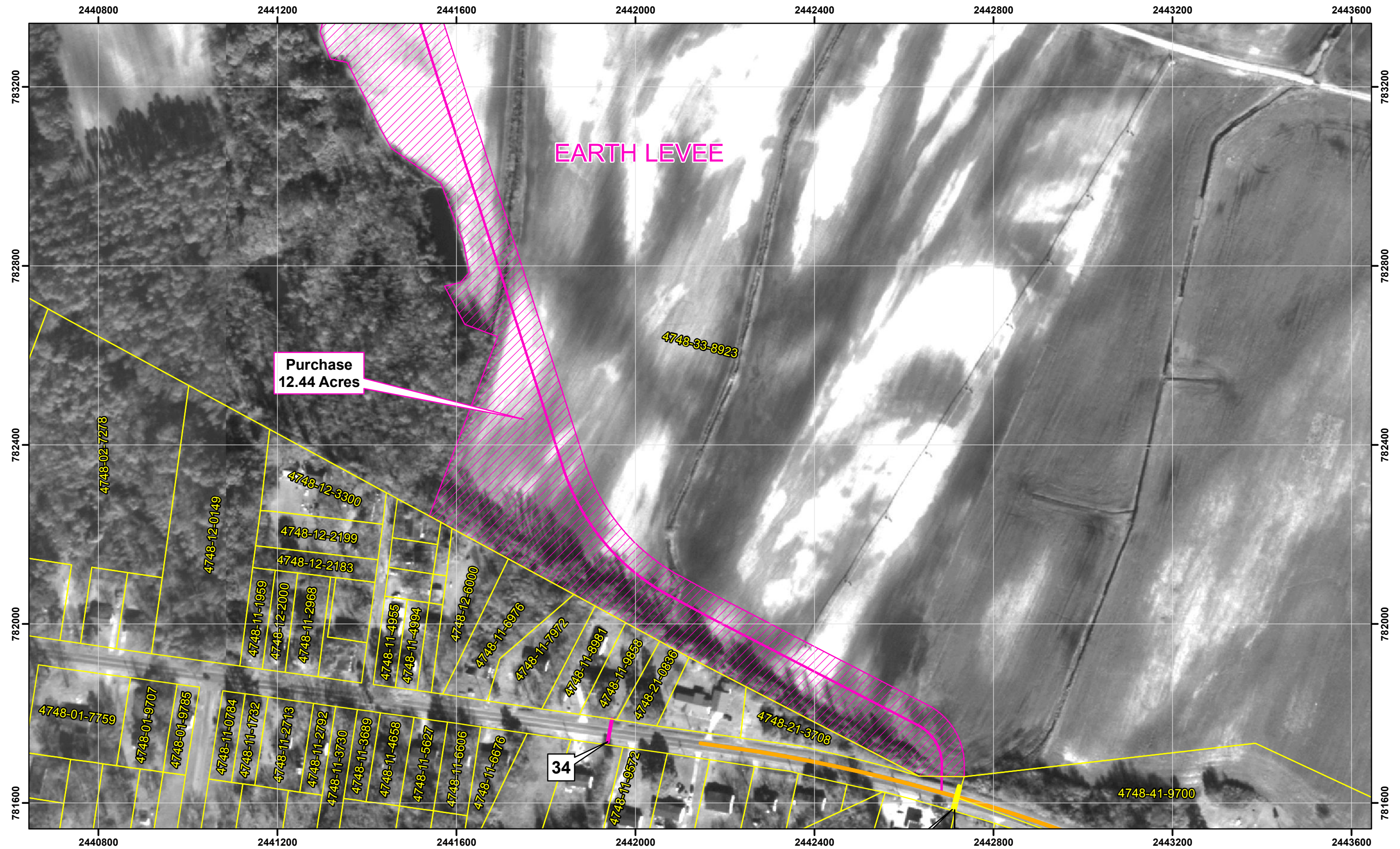


SHEET 9 OF 15









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Scale 1:2400  
1 inch = 200 feet



SHEET 11 OF 15





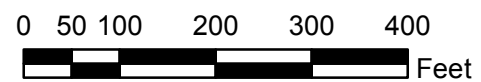
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Digital Globe  
20141214

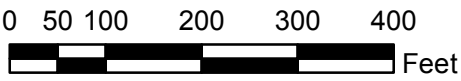
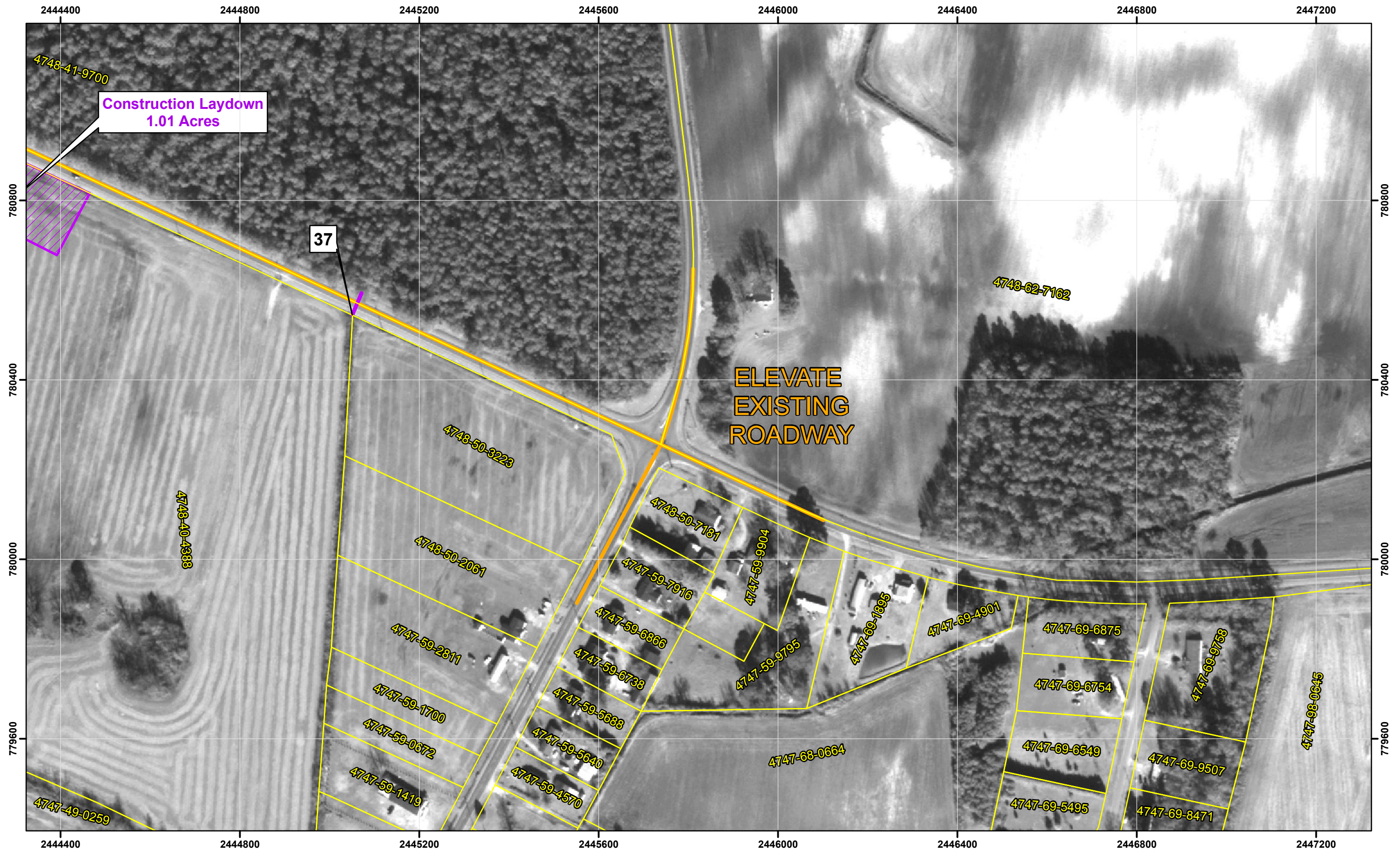


Scale 1:2400  
1 inch = 200 feet

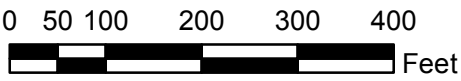
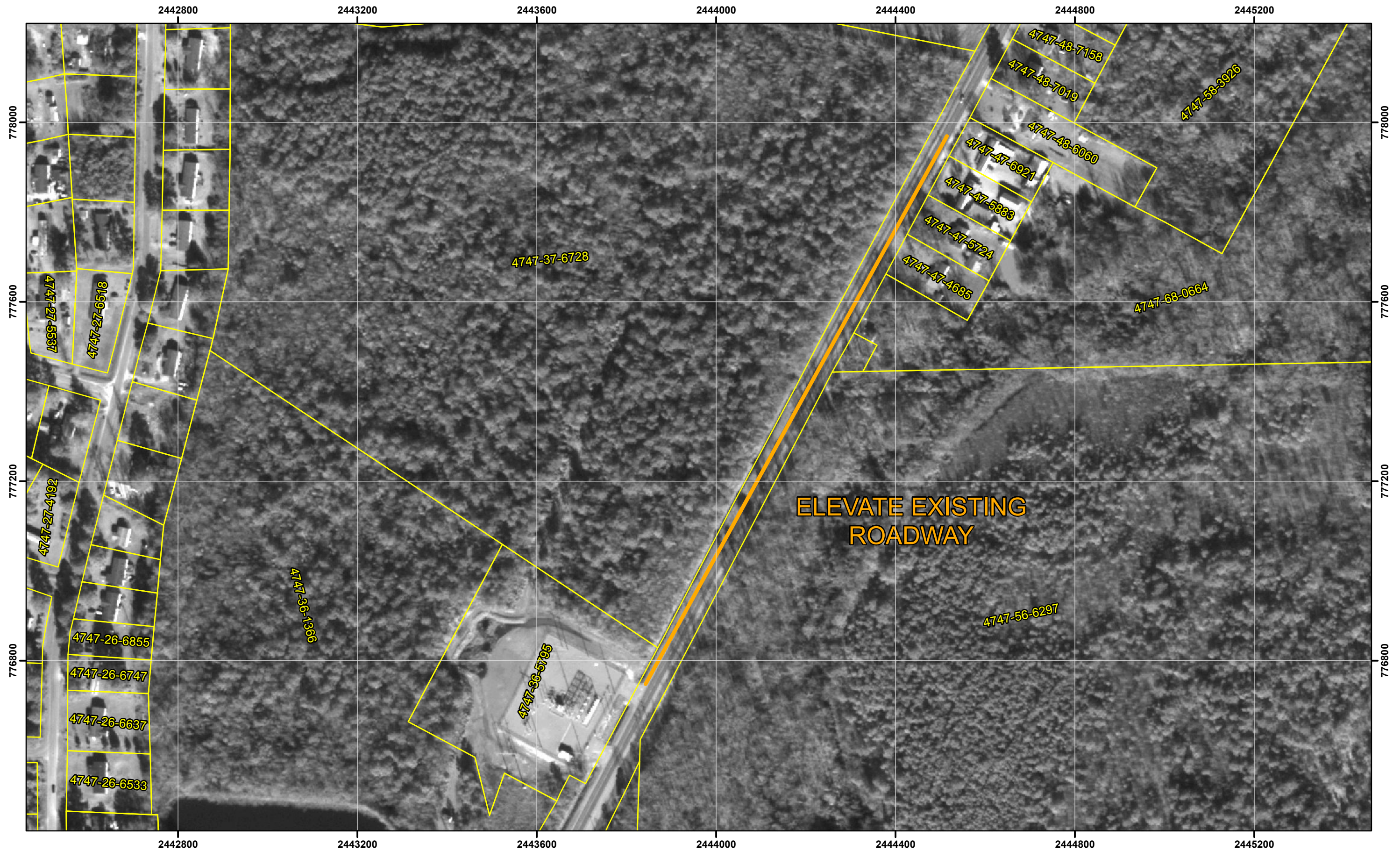


SHEET 12 OF 15

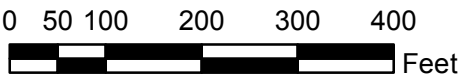
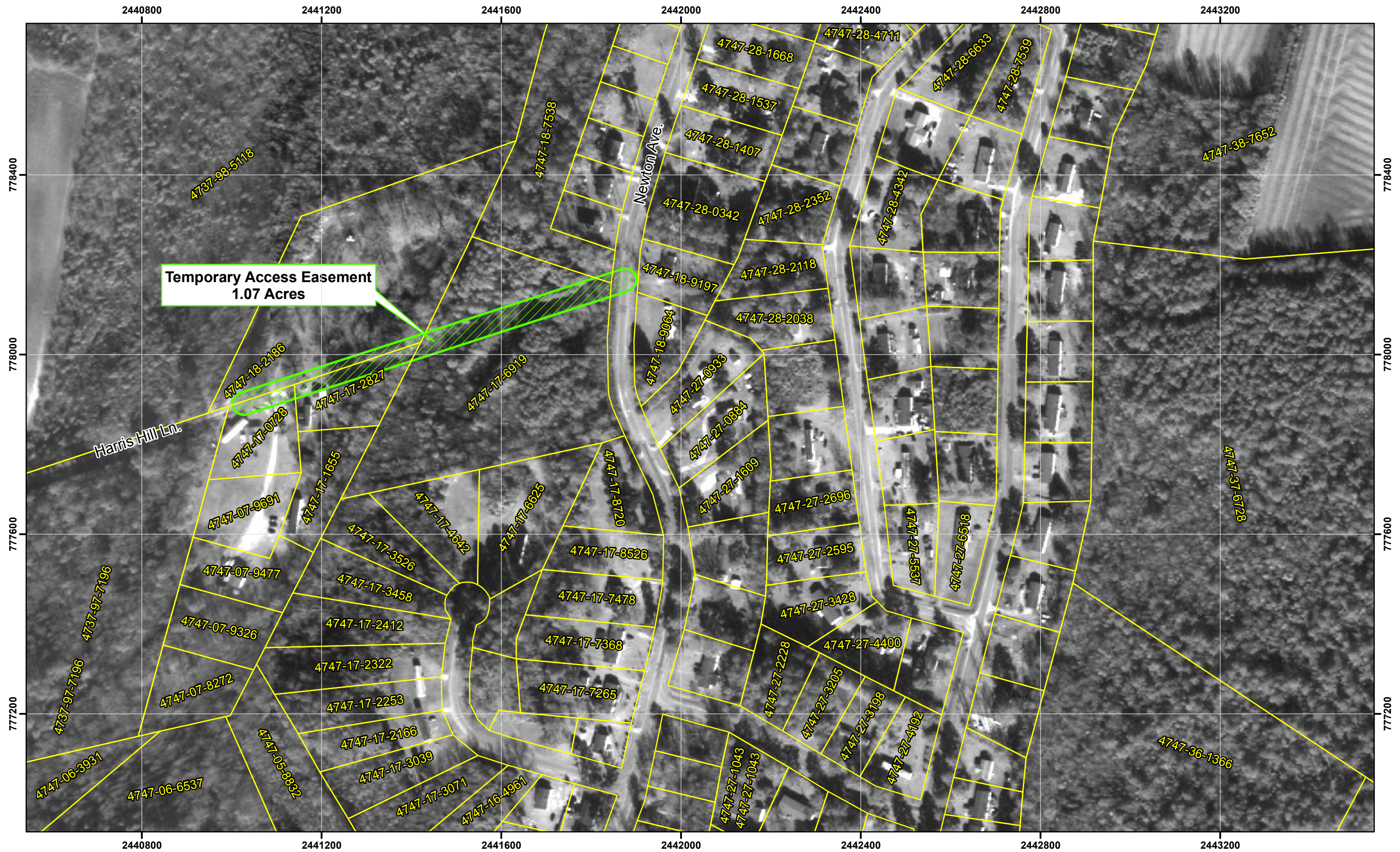














## AUTHORIZATION FOR ENTRY FOR CONSTRUCTION

I \_\_\_\_\_, \_\_\_\_\_ for the  
(Name of accountable official) (Title)

\_\_\_\_\_(Sponsor Name)\_\_\_\_\_, do hereby certify that the \_\_\_\_\_(Sponsor Name)\_\_\_\_\_ has acquired the real property interest required by the Department of the Army, and otherwise is vested with sufficient title and interest in lands to support construction for (Project Name, Specifically identified project features, etc.). Further, I hereby authorize the Department of the Army, its agents, employees and contractors, to enter upon \_\_\_\_\_ to construct  
(identify tracts)

(Project Name, Specifically identified project features, etc.) as set forth in the plans and specifications held in the US Army Corps of Engineers (district, city, state).

WITNESS my signature as \_\_\_\_\_ for the  
\_\_\_\_\_(Sponsor Name)\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

## ATTORNEY'S CERTIFICATE OF AUTHORITY

I \_\_\_\_\_, \_\_\_\_\_ for the  
(Name of accountable official) (Title of legal officer)  
\_\_\_\_\_(Sponsor Name)\_\_\_\_\_, certify that \_\_\_\_\_ has  
(Name of accountable official)

Authority to grant Authorization for Entry; that said Authorization for Entry is executed by the proper duly authorized officer; and that the Authorization for Entry is in sufficient form to grant the authorization therein stated.

WITNESS my signature as \_\_\_\_\_ for the  
(Title)  
\_\_\_\_\_(Sponsor Name)\_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

**Exhibit B**

**Assessment of Non-Federal Sponsor's  
Real Estate Acquisition Capability**

**I. Legal Authority:**

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **YES**
- b. Does the sponsor have the power to eminent domain for this project? **YES**
- c. Does the sponsor have "quick-take" authority for this project? **YES**
- d. Are any of the land/interests in the land required for this project located outside the sponsor's political boundary? **NO**
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? **NO**

**II. Human Resource Requirements:**

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P. L. 91-646, as amended? **NO**
- b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training? (yes/no)
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **YES**
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? **YES**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **YES**
- f. Will the sponsor likely request USACE assistance in acquiring real estate? **YES – Only in an advisory capacity**

**III. Other Project Variables:**

- a. Will the sponsor's staff be located within reasonable proximity to the project site?  
**YES**



- b. Has the sponsor approved the project/real estate schedule/milestones? **NO – Project milestone will be developed during PED and will be a joint effort between PM, Realty Specialist and NF Sponsor**

IV. Overall Assessment:

- a. Has the sponsor performed satisfactory on other USACE projects?  
**YES**
- b. With regard to the project, the sponsor is anticipated to be: **Highly Capable**

V. Coordination:

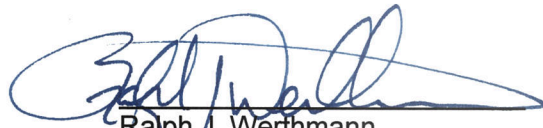
- a. Has this assessment been coordinated with the sponsor? **YES**
- b. Does the sponsor concur with this assessment? **YES**

Prepared by:



Senior Realty Specialist

Reviewed and approved by:

  
Ralph J. Werthmann  
Chief, Real Estate Division

## Real Estate Milestones

\_\_\_\_\_, 2015

PROJECT: Princeville Flood Risk Management Project

REQUIREMENTS: Acquisition of Real Estate Interests from 52 Landowners. Estimated acquisition time is 18-24 months

| DATE        |        | REQUIREMENT   | RESPONSIBLE PARTY |
|-------------|--------|---|-------------------|
| Projected   | Actual |   |                   |
| 15 Sep 2021 |        | PPA Executed  | CESAS & Sponsor   |
|             |        |   |                   |
| 16 Sep 2021 |        | Estates provided to Sponsor                             | CESAS-RE          |
|             |        |   |                   |
| 30 Sep 2021 |        | Plans & Specs Provided to Sponsor                       | CESAS-PM          |
|             |        |   |                   |
| 15 Oct 2021 |        | Surveys Initiated                                       | Sponsor           |
|             |        |   |                   |
| 15 Feb 2022 |        | Surveys Complete  | Sponsor           |
|             |        |   |                   |
| 10 Feb 2022 |        | Survey Maps Submitted to SAS-RE for Review and Approval | Sponsor           |
|             |        |   |                   |
| 15 Feb 2022 |        | Maps Reviewed and Approved                              | CESAS-RE          |
|             |        |   |                   |
| 15 Oct 2021 |        | Title Evidence Initiated                                | Sponsor           |
|             |        |   |                   |
| 10 Dec 2021 |        | Title Evidence Complete                                 | Sponsor           |
|             |        |   |                   |
| 15 Dec 2021 |        | Title Evidence Submitted to CESAS-RE for Review         | Sponsor           |
|             |        |   |                   |
| 22 Dec 2021 |        | Title Evidence Reviewed                                 | CESAS-RE          |

|             |  |          |
|-------------|--|----------|
| 16 Sep 2021 | Appraiser's Resume' Submitted for Approval               | Sponsor  |
|             |  |          |
| 21 Sep 2021 | Appraiser Approved                                       | CESAS-RE |
|             |  |          |
| 1 Nov 2021  | Appraisals Initiated                                     | Sponsor  |
| 22 Feb 2022 | Appraisals Submitted to CESAS-RE for Review and Approval | Sponsor  |
|             |  |          |
| 23 Mar 2022 | Appraisals Approved                                      | CESAS-RE |
|             |  |          |
| 29 Apr 2022 | Initiate Negotiations for Acquisition                    | Sponsor  |
|             |  |          |
| 31 May 2023 | Complete Acquisitions                                    | Sponsor  |
|             |  |          |
| 15 Jun 2023 | Submit LERRDs for Review                                 | Sponsor  |
|             |  |          |
| 3 Jul 2023  | Review LERRDs  | CESAS-RE |
|             |  |          |
| 3 Jul 2023  | Initiate Condemnations if Required                       | Sponsor  |
|             |  |          |
| 15 Jul 2023 | Review Condemnations                                     | CESAS-RE |
|             |  |          |
| 29 Aug 2023 | Complete Condemnations (Obtain Possession)               | Sponsor  |
|             |  |          |
| N/A         | Complete PL 91-646 Assistance                            | Sponsor  |
|             |  |          |
| N/A         | Review PL 91-646 Payments                                | CESAS-RE |
|             |  |          |
| 1 Sep 2023  | Review & Certify Real Estate                             | CESAS-RE |
|             |  |          |
| Oct 2023    | Advertise for Construction                               | CESAS-PM |
|             |  |          |
| 1 Sep 2023  | Submit Credit Request                                    | Sponsor  |
|             |  |          |
| 10 Sep 2023 | Review Credit Request                                    | CESAS-RE |
|             |  |          |
| 15 Sep 2023 | Approve Crediting  | CESAS-RE |

Schedule will be completed as soon as PPA is executed. Realty Specialist, Project Manager and Sponsor will develop schedule to allow adequate time to obtain real estate and to meet schedule set for advertisement for construction.





DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3640

January 22, 2013

Real Estate Division

Subject: Princeville Flood Risk Management Project – Real Estate Acquisition

Mr. Tom Reeder, Director  
North Carolina Division of Water Resources  
1611 Mail Service Center  
Raleigh, North Carolina 27699-1611

Dear Mr. Reeder:

The intent of this letter is to formally advise the State of North Carolina, as the potential non-Federal sponsor for the proposed project, of the risks associated with land acquisition prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition. If a non-Federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-Federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

Generally, these risks include, but may not be limited to, the following:

- (1) Congress may not appropriate funds to construct the proposed project;
- (2) The proposed project may otherwise not be funded or approved for construction;
- (3) A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
- (4) The non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
- (5) The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
- (6) The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and

Exhibit "E"

(7) The non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and the Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or the PPA.

We appreciate the State's participation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact Ms. Belinda Estabrook at (912) 652-5667.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ralph J. Werthmann", with a long, sweeping horizontal line extending to the right.

Ralph J. Werthmann,  
Savannah District  
Chief, Real Estate Division